



**TOWN OF PEMBROKE
PLANNING BOARD
1145 Main Rd., Pembroke, NY 14036
Minutes for the regular meeting held October 24, 2012**

ATTENDANCE:

- Chairman-Richard Kutter
- Vice Chairman-Michael Herec
- Michael Bakos
- Linda Rindell
- David Sabato
- John Cima
- David Knupfer-Absent

PUBLIC PRESENT: Malcolm Warren

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 September 26, 2012 Planning Board Meeting was made by Linda Rindell, second to motion was made by John Cima.
ALL AYES--MOTION CARRIED.

Malcolm Warren
1228 Main Rd., Town of Pembroke
(Tax Map #19.-1-18.2)
Application #12.10.01
SITE PLAN REVIEW

- Malcolm Warren is requesting a Site Plan Review for an addition to his pole barn.
- Zoning District is Commercial in the front and AG/R in the rear.
- A sketch of the project was presented as well as photos of the property.
- The septic system will be inspected by the Genesee County Health Department.
- Genesee County Planning recommended approval.

Malcolm Warren has submitted application #12.10.01 is requesting a Site Plan Review for the expansion of a building, for property located at 1228 Main Rd., Town of Pembroke and identified as Tax Map #19.-1-18.2.

On **MOTION** made by Michael Herec, 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.

ALL AYES-MOTION CARRIED

RESOLUTION #28 of 2012-Malcolm Warren/SITE PLAN REVIEW

WHEREAS Malcolm Warren has submitted application #12.10.01 requesting a Site Plan Review for the expansion of a building , for property located at 1228 Main Rd., Town of Pembroke and identified as Tax Map #19.-1-18.2.

WHEREAS The Pembroke Planning Board has made a detailed review of the Environmental Assessment Form and accepted same at this meeting held on October 24, 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 negative finding by David Sabato, seconded by John Cima, 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.

ALL AYES-MOTION CARRIED

RESOLUTION #29 of 2012—Malcolm Warren/SITE PLAN REVIEW

RESOLVED that said Site Plan is hereby **APPROVED** by the Town of Pembroke Planning Board with the following stipulations.

- None were imposed.

On **MOTION** made by Michael Herec, and seconded by Linda Rindell, to **APPROVE** the text changes and recommend to the TOWN Board Approval of said changes 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.

RESOLUTION #30 OF 2012—APPROVAL

- The proposed text is appended to the minutes.

Proposed Text changes to Zoning Ordinance
THIRD DRAFT

October 10, 2012

MODEL WIND ENERGY SYSTEMS AMENDMENT

Definitions. (To be added to definitions section of The Town of Pembroke Zoning Ordinance/Law):

Commercial Wind Energy System-A wind energy system that is operated primarily (51% or more) to put energy into the electric grid, and/or has a nameplate capacity of more than 50

kilowatts (kW), and/or a total height of no more than 175 feet, and/or a blade length of no more than 30 feet.

Wind Tower-The monopole, freestanding, or guyed structure that supports a wind turbine generator.

SECTION 521 **NON-COMMERCIAL WIND ENERGY SYSTEMS**

1. Non-Commercial Wind Energy Systems

A. Permit Requirements

1. Special Use Permit. A Special Use Permit is required for Non-commercial Wind Energy Systems or a component thereof, except for Non-commercial Wind Energy Systems located in County-adopted, State-certified Agricultural Districts for primary on-farm use.
2. Zoning Permit. A Zoning Permit and Site Plan Review are required for the installation of a Non-commercial Wind Energy Systems or a component thereof.
3. Expiration. A permit issued pursuant to this Zoning Ordinance/Law expires if:
 - a. The Non-commercial Wind Energy System is not installed and functioning within 1 year from the date the permit is issued unless project requires more time, due to grant money issues, proof required. The Special Use Permit can be extended by the Planning Board to coincide with an extension granted by the Zoning Administration for the building permit or
 - b. The Non-commercial Wind Energy System is out of service or otherwise unused for a continuous 12-month period.
4. Fees.
 - a. The application for a Special Use Permit Non-commercial Wind Energy System, except for Non-commercial Wind Energy Systems located in County-adopted, State-certified Agricultural Districts must be accompanied by the fee required for a Special Use Permit.
 - b. The application for a Zoning Permit for each tower in a Non- commercial Wind Energy System must be accompanied by the fee required for a zoning permit for an accessory use.

B. Special Use Permit or Zoning Permit Requirements. In addition to those criteria set forth under other Sections of this Zoning Ordinance/Law, the Town Planning Board may consider the following factors when setting conditions upon Special Use Permits or site plans issued for all Non-commercial Wind Energy Systems and may hire a professional engineer or consultant to assist in the review of an application at the applicant's expense:

1. Number of wind towers and their location.
2. Nature of land use on adjacent and nearby properties.
3. Location of other wind energy systems in the surrounding area.
4. Surrounding topography.
5. Proximity to residential structures, residential zoning districts, or areas identified for future residential use.
6. Design characteristics that may reduce or eliminate visual obtrusiveness.
7. Possible adverse effects on migratory birds, and other animals and wildlife.
8. Possible adverse effects of stray voltage, interference with broadcast signals, shadow flicker, and noise.
9. Impact on the orderly development, property values, and aesthetic conditions.
10. Any other factors that is relevant to the proposed system.

C. Standards.

1. Location. A Non-commercial Wind Energy System may only be located in areas that are zoned Agricultural (AG), Agricultural-Residential (AG-R), Industrial (I), Commercial (C), and Limited Commercial (LC).
2. Setbacks. Each wind tower in a Non-commercial Wind Energy System must be set back according to Schedule A of the Zoning Law.
3. Safety.
 - a. *Operational Safety.* Wind towers shall have an automatic braking, governing or feathering system to prevent uncontrolled rotation, overspeeding and excessive pressure on the tower structure, rotor blades and turbine components.
 - b. *Lightning.* All wind towers shall provide a continuous electrical path to the ground to protect the tower from lightning.
 - c. *Lighting.* A wind tower and turbine may not be artificially lighted unless such lighting is required by the Federal Aviation Administration (FAA), other governmental agency, recognized safety guidelines (i.e. Mercy Flight), or the Planning Board. If lighting is required, the lighting must comply with FAA minimum requirements and, whenever possible, be at the lowest intensity allowed. If more than one lighting alternative is available, the Town reserves the right to choose the least obtrusive lighting option available.
4. Signs. No wind tower, turbine, building, or other structure associated with a Non-commercial Wind Energy System may be used to advertise or promote any product or service.
5. Noise. Audible noise due to the operation of any part of a Non-commercial Wind Energy System shall not exceed 60 decibels (dBA) for any period of time, when measured at any lot line adjacent to the wind energy system. The applicant shall provide a certification from the wind energy manufacture that the audible noise from the unit does not exceed 60 decibels (dBA) at a distance of 100 ft. from the installation site. The Planning Board may allow the decibel level to exceed 60 in extenuating circumstances.
6. Installation Requirements. According to manufacturer's recommendations and New

York State Energy Research and Development Authority (NYSERDA) eligible installers under the Small Wind Program.

DISCUSSION: Genesee County inquired to the Planning Board if the Board had any changes to the Smart Growth Plan that the County has set up.

- No changes were proposed.

NEW BUSINESS:

OLD BUSINESS:

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

ALL AYES—MOTION CARRIED

Meeting Closed at 8:25 pm.

Respectfully Submitted,

Doneen Pfalzer

Acting Recording Secretary

Richard Kutter

Planning Board Chairman

These minutes are a draft only, subject to revision and or change prior to approval by the Town of Pembroke Planning Board.