



**TOWN OF PEMBROKE
PLANNING BOARD
1145 Main Rd., Pembroke, NY 14036
Minutes for the regular meeting held January 30, 2013**

ATTENDANCE:

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

PUBLIC PRESENT: Carl Calkins, Joanne Shriver & Larry Owczarczak.

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

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

PUBLIC PARTICIPATION: No comments were made.

Indian Falls Property Mgt.
1227 Gilmore Rd., Town of Pembroke
(Tax Map #9.-1-43.2)
Application #12.10.02
SITE PLAN REVIEW

- Indian Falls Property is requesting a site plan review for the location of an 8x9 ft. deck.
- Zoning District is MDR.
- A sketch of the project was presented as well as photos of the property.
- The deck will hold a smoker/grill.
- Genesee County Planning recommended approval.
- The Town of Pembroke Zoning Board granted an area variance at its November 20, 2012 meeting for the location of the deck.
- Mr. Owczarczak was present to represent the application.

Mr. Owczarczak has submitted application #12.10.02 requesting a Site Plan Review for the location of a deck, for property located at 1227 Gilmore Rd., Town of Pembroke and identified as Tax Map #9.-1-43.2

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, Chairman Schneider; AYE, Michael Herec; AYE, John Cima; AYE, David Knupfer; AYE.
ALL AYES-MOTION CARRIED

RESOLUTION #1 of 2013—Indian Falls Property Mgt./SITE PLAN REVIEW

WHEREAS Indian Falls Property Mgt. has requested a Site Plan Review for property located at 1227 Gilmore Rd., Town of Pembroke, TM#9.-1-43.2 for the location of a deck..

WHEREAS The Pembroke Planning Board has made a detailed review of the Environmental Assessment Form and accepted same at this meeting held on January 30, 2013;
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 John Cima, seconded by David Knupfer, the following **RESOLUTION** of Negative Finding was **ADOPTED** by roll call vote: Michael Bakos; AYE, Linda Rindell; AYE, Chairman Schneider; AYE, Michael Herec; AYE, John Cima; AYE, David Knupfer; AYE.
ALL AYES-MOTION CARRIED.

RESOLUTION #2 of 2013-Indian Falls Property Mgt./SITE PLAN REVIEW

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

- None were imposed.

Chairman Schneider questioned the property owner about the outdoor bands that the restaurant hosts during the summer months. The Town has received complaints about the noise. Mr. Owczarczak remarked that the bands have been playing outdoors for three years. They play on Monday nights from 6 pm. to 10 pm. As a courtesy to the neighbors the owner has instructed the bands to “keep it down”. Chairman Schneider replied that the town does not have a noise ordinance but it is important to be good neighbors.

Expert Mitigations
797 Main Rd., Town of Pembroke
(Tax Map #14.-2-28.2)
Application #12.11.01

SITE PLAN REVIEW

- Expert Mitigation is requesting a site plan review for the location of a new business.
- Zoning District is Industrial.
- A sketch of the project was presented as well as photos of the interior of the building.
- A letter of authorization signed by John Visone was presented stating Expert Mitigation Services could act as agent.
- Carl Calkins and Joanne Shriver appeared to represent the application.
- The property is in violation of Pembroke Zoning Codes & Ordinance. The board felt the owner of the property should be held accountable for the violations, not potential renters.
- Expert Mitigation operates twenty-four hours a day.
- The business has two banners on location displaying the company name, in the future they may request a permanent sign.
- The district is zoned industrial and warehouses and whole sale trade are permitted uses. The Board was in agreement that Expert Mitigation will not be required to obtain a Special Use Permit as it is considered a warehouse.
- Michael Herec asked if any neighboring property owners have spoken to Mr. Calkins about operating the business. He replied that a few had stopped by to welcome them to the neighborhood.

On **MOTION** of a negative finding by John Cima, seconded by Linda Rindell, the following **RESOLUTION** of Negative Finding was **ADOPTED** by roll call vote: Michael Bakos; AYE, Linda Rindell; AYE, Chairman Schneider; AYE, Michael Herec; AYE, John Cima; AYE, David Knupfer; AYE.
ALL AYES-MOTION CARRIED

RESOLUTION #3 of 2013—Expert Mitigation/SITE PLAN REVIEW

WHEREAS Expert Mitigation has requested a Site Plan Review for property located at 797 Main Rd., Town of Pembroke, TM#14.-2-28.2 for the location of a business.

WHEREAS The Pembroke Planning Board has made a detailed review of the Environmental Assessment Form and accepted same at this meeting held on January 30, 2013;
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** made by Michael Bakos, and seconded by Linda Rindell, the following **RESOLUTION** was **ADOPTED** by roll call vote: Michael Bakos; AYE, Linda Rindell; AYE, Chairman Schneider; AYE, Michael Herec; AYE, John Cima; AYE, David Knupfer; AYE.
ALL AYES-MOTION CARRIED

RESOLUTION #4 of 2013-Expert Mitigation/SITE PLAN REVIEW

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

- Any future signage or lighting shall be reviewed by the Town of Pembroke Planning Board.

Shellye Dale-Hall questioned Mr. Calkins about storing hazardous material on site. Mr. Calkins said that would require special licensing, permits and insurance. He then added Expert Mitigation does not have the permits or license therefore they cannot handle hazardous material.

TOWN OF PEMBROKE
8783 Main Rd., Town of Pembroke
(Tax Map # 19.-1-17.11)
Application #12.12.01
Request for LAND SEPARATION/MERGE.

- **John Worth** will be acting as agent for the Town of Pembroke and has provided proper documentation.
- John Worth has submitted a request for a land separation and merge of the property located at 8783 Main Rd., Town of Pembroke, Tax Map #19.-1-17.11.
- The split parcel will then be merged with Tax Map # 19.-1-17.12.
- The Town purchased the property with the intent on separating the land adjoining the driveway into the Town Park. The parcel will act as a buffer for the park and will help avoid possible future problems.
- The LAND SEPARATION will NOT be APPROVED without the Merge.

NO QUESTIONS WERE ASKED.

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

RESOLUTION #5 OF 2013 PEMBROKE/LAND SEPERATION & MERGE

WHEREAS John Worth has submitted application #12.12.01 for a Land Separation and Merge at property located on 8783 Main Rd., Town of Pembroke and identified as Tax Map #19.-1-17.11.

WHEREAS The Pembroke Planning Board has made a detailed review of the Environmental Assessment Form and accepted same at a meeting held on January 30, 2013.

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 Sabato, and seconded by John Cima, the following RESOLUTION was ADOPTED by roll call vote: Michael Bakos; AYE, Linda

Rindell; AYE, Chairman Schneider; AYE, Michael Herec; AYE, John Cima; AYE, David Knupfer; AYE.
ALL AYES-MOTION CARRIED.

RESOLUTION #6 OF 2013-TOWN OF PEMBROKE/Land Separation & Merge

RESOLVED that land Separation is hereby approved by the Town of Pembroke Planning Board with the following Stipulation.

- The land separation will not be approved without the merge.

DISCUSSION:

- Chairman Schneider asked board members for their recommendation on the Vice Chairman position. Michael Herec replied that he would resign as Vice Chairman and leave the position open. Chairman Schneider spoke to the board members asking if any of the members would consider the position or if they would like to keep Mr. Herec in the position. A discuss arouse in regards to appointing Mr. Kutter as Vice Chairman. Mr. Herec replied he will support that and the rest of the board members agreed. Mr. Cima remarked because Mr. Kutter had previously held the Chairman position there could be an issue with appointing him as Vice Chairman. The Board members decided to hold off on the appointment until further discussions could take place.
- David Knupfer suggested that the Public Participation be moved to the later portion of the meeting and to allow all persons listed on the agenda the opportunity to be heard first as a courtesy to the applications that have been scheduled.
- Mr. Knupfer asked the board members if they had considered moving the meeting time. After some discussion the board motioned to move the meeting time to 7:30 pm.

On **MOTION** made by Linda Rindell, and seconded by David Knupfer, to move the PLANNING BOARD meeting to 7:30 pm. starting February 2013.

ALL AYES-MOTION CARRIED.

- Linda Rindell asked board members why the Town of Pembroke cannot follow the plan of Darien to request property owners to appropriately maintain their parcels. There seems to be a few lots in the Town that are continually in violation. Darien has recently cited a resident to clean up the property within 48 days and if she fails to do so the town will hire someone and the cost will be added to the property owner's tax bill. Chairman Schneider said the town is forming a committee of two members each from the Zoning and Planning Boards to review current Zoning Codes and Regulations. Linda Rindell replied she would like to participate depending on the selected day.

NEW BUSINESS:

SPECIAL USE PERMITS

Inactive Special Use Permits were reviewed:

The Planning Board has the authority to rescind a Special Use Permit that has been abandoned for more than one (1) year. The Zoning Administration will issue a Notice of Abandonment to

the owner of record of the property. The following Special Use Permit Holders have returned Notices stating they are have abandoned the Permit.

1. Daniel Underhill TM#17.-2-6.112—Dwayne Wall, Home Medical Supplier

2. Richard McGiveron TM#13.-1-39—Dick McGiveron Wholesale

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

RESOLUTION 7 of 2013 that whereas Section 708-11-D-7 of the Pembroke Zoning Law specifies that when a Special Use Permit is abandoned for more than one (1) year, the Planning Board has the authority to rescind a Special Use Permit.

WHEREAS, The Zoning Administration will issue a Notice of Abandonment to the owners of record of the properties, listed above, and that there is evidence that the Special Use Permit has been abandoned.

NOW, THEREFORE, BE IT RESOLVED, The Town of Pembroke Planning Board hereby has determined that the Named Special Use Permit holders listed are hereby **REVOKED** due to inactivity.

OLD BUSINESS:

Kelkenberg Phelps Road Land Separation

Discussion concerning the proper title to the mylar presented by Mr. Kelkenberg for a previously approved Land Separation on Phelps Road. The mylar presented was titled as “Boundary Survey” and after discussion the Board agreed that said mylar should be amended and filed with the appropriate title of “Land Separation.”

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

ALL AYES—MOTION CARRIED

Meeting Closed at 9:10 pm.

Respectfully Submitted,

Doneen Pfalzer
Acting Recording Secretary

Thomas Schneider
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.