



**THE TOWN OF PEMBROKE
PLANNING BOARD
1145 Main Rd., Pembroke, NY 14036
Minutes for the regular meeting held on April 24, 2013**

ATTENDANCE:

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

PUBLIC PRESENT:

MEETING called to order at 7:30 pm.
Chairman Schneider led the “Pledge of Allegiance”.
Chairman Schneider introduced new Secretary, Diane Denton.

Corrections to the Minutes for the March 27, 2013 Planning Board Meeting: Under Discussion need to add the wording of *an amended* before *Special Use Permit*.

A MOTION TO APPROVE the corrected Minutes for the March 27, 2013 Planning Board Meeting was made by Linda Rindell second to motion was made by David Knupfer.
ALL AYES—MOTION CARRIED.

Chairman announced that the Planning Board Public Hearing for Donald Dylag was cancelled as Mr. Dylag’s Variance Request was not approved by the Zoning Board.

Public Hearing
Charles Kohorst
922 Genesee St., Town of Pembroke
(Tax Map #23.-1-42.22; Zoning District AG/R)
Application #13.03.03
Request for a **SPECIAL USE PERMIT**
Requires Genesee Country Recommendation

- Mr. Kohorst is requesting a Special Use Permit to open a craft store.
- Detailed site plan submitted.
- Genesee County Planning recommended approval with modifications.
- Zoning Board approved two variances: one for front yard area and second for signage variance with restrictions: maximum of three signs and total size of signage not to exceed 20sq ft.

PUBLIC HEARING opened at 7:35pm. The Notice of Public Hearing appeared in the Batavia Daily News April 10, 2013 and was posted on the Town's bulletin board.

- Mr. Kohorst was present at the meeting
- Discussion on whether to classify as Home Occupation.
- Craft store would be in shed, for which Mr. Kohorst already has a permit, separate from house.
- According to planning regulations, Home Occupation can include a building accessory to the main structure.
- Fits in with the Touristy atmosphere of the Main Highway.
- Parking is sufficient.
- No exterior storage is allowed. Mr. Kohorst explained that nothing would be left outdoors when closed, except for Christmas Trees.

PUBLIC PARTICIPATION—Mr. Kohorst was present. No other public participation.

On **MOTION** made by Mr. Herec, and seconded by Mr. Kutter, the Public Hearing was CLOSED at 7:40 pm. **ALL AYES—MOTION CARRIED.**

On **MOTION** made by Mr. Kutter, and seconded by Mr. Herec for a **NEGATIVE DECLARATION** and to accept the draft EAF.

ROLL CALL VOTE: Ms. Rindell-Aye; Mr. Kutter-Aye; Chairman Schneider-Aye, Mr. Herec-Aye; Mr. Cima-Aye; Mr. Knupfer-Aye.
ALL AYES-MOTION CARRIED

On **MOTION** made by Ms. Rindell, and seconded by Mr. Cima to **APPROVE** the Site Plan and the Special Use Permit for Home Occupation based on County Planning's recommendations and because the use fits within acceptable uses for the AG/RES District.

RESTRICTIONS IMPOSED: Items displayed outside are to be stored inside, where possible, when the business is closed, and hours of operation will be seven days a week during daylight hours only.

ROLL CALL VOTE: Ms. Rindell-Aye; Mr. Kutter-Aye; Chairman Schneider-Aye, Mr. Herec-Aye; Mr. Cima-Aye; Mr. Knupfer-Aye.
ALL AYES-MOTION CARRIED

PLANNING BOARD DECISION: APPROVAL WITH RESTRICTIONS

Joseph Vaughn
7856 Gorton Rd.
(Tax Map #11.-1-3.2; Zoning District AG)
Application #13.04.01
Request for a **LAND SEPARATION**

- Mr. Vaughn was present at the meeting.
- Mr. Vaughn is requesting a Land Separation of approximately 1.5 acres/200'x345' for a family member to build a house.
- Detailed site plan submitted.
- Existing Property is 19.6 acres.
- Zone AG restrictions on Land Separations stipulate a building lot should be minimum and maximum of 40,000 sq. ft. / 200' x 200'.

- Mr. Kutter explained that the restriction was to insure that large agricultural parcels couldn't be broken up into building lots and to preserve agricultural/farmland.
- Mr. Vaughn could try to get a variance, but would have to wait until next month.
- The easiest and quickest way would be to get surveyor to change site plan to meet zoning requirements, and change it on current application.

On **MOTION** made by Mr. Kutter, and seconded by Mr. Herec for a **NEGATIVE DECLARATION** and to accept the draft EAF.

ROLL CALL VOTE: Ms. Rindell-Aye; Mr. Kutter-Aye; Chairman Schneider-Aye, Mr. Herec-Aye; Mr. Cima-Aye; Mr. Knupfer-Aye.

ALL AYES-MOTION CARRIED

Separation of 200'x345'.

On **MOTION** made by Mr. Kutter, and seconded by Mr. Herec for **APPROVAL** of a Land Separation of 200'x200'.

CONTINGENT on Mr. Vaughn providing a new Mylar of site plan for a separation of 200'x200'.

ROLL CALL VOTE: Ms. Rindell-Aye; Mr. Kutter-Aye; Chairman Schneider-Aye, Mr. Herec-Aye; Mr. Cima-Aye; Mr. Knupfer-Aye.

ALL AYES-MOTION CARRIED

PLANNING BOARD DECISION: APPROVAL of Land Separation contingent on changes made to the mylar to meet zoning requirement.

Public Hearing

Ryan Young

510 Knapp Rd., Town of Pembroke

(Tax Map #14.-1-11; Zoning District AG/R)

Application #13.04.02

Request for a **SPECIAL USE PERMIT**

- Mr. Young is requesting a Special Use Permit to open a Home Occupation for retriever training.
- The Zoning Officer suggested he apply for Home Occupation, as he would be training dogs not owned by him for profit.

PUBLIC HEARING opened at 8:10pm. The Notice of Public Hearing appeared in the Batavia Daily News April 10, 2013 and was posted on the Town's bulletin board.

- Mr. Young was present.
- Mr. Young is in the process of purchasing the property; he should be closing next month.
- Mr. Young meets his clients off-site and would be training off-site.
- He would be keeping one/two dogs inside his house in addition to the three he owns.
- There would be outdoor runs; dogs would never be left unattended outside.
- Dogs are trained to be quiet for hunting and would not make unnecessary noise.
- There is a 5 dog ownership limit in the Town of Pembroke. (6 or more requires a Kennel Permit and kennels are only allowed on main roads.)
- He would not have any business sign, although it would be allowed.
- This is not a variance; Home Occupation is allowed in AG/R.

- There was a discussion to mitigate any concerns that neighbors might have. Their main concern was noise, which Mr. Young assured would not be a problem.
- Planning Board cannot move on Special Use Permit until Mr. Young owns the property, or he could bring in letter from current owner at next month's Planning Board meeting.
- No further Public Hearing required.

PUBLIC PARTICIPATION: Mr. Young was present, and there was public participation.

On **MOTION** made by Mr. Kutter, and seconded by Ms. Rindell, the Public Hearing was CLOSED at 8:32 pm. ALL AYES—**MOTION CARRIED.**

INFORMATIONAL
Zachary and Anne Cerasani
 8265 Marble Rd., Town of Pembroke
 (Tax Map # 14.-2-2)
 Application # 13-04-03
 Informational for **SPECIAL USE PERMIT**

- Mr. Cerasani was present at the meeting.
- Mr. Cerasani is considering is requesting a Special Use Permit to build a larger garage by adding to the existing structure.
- Detailed site plan submitted.
- Wants to expand existing garage, adding an additional 6ft towards the property line, leaving 9ft. in-between.
- Up to the Zoning Board whether or not to give him a variance.
- No fabrication on site
- Sometimes stores equipment outside for 30-60 days for insurance purposes. Would like to put inside.
- Already scheduled for next Zoning Board of Appeals. Get scheduled for Planning Board in May.

CLOSED at 8:40pm.
NO MOTIONS necessary.

Phillip Czamara
 7990 Hopkins Rd., Town of Pembroke
 (Tax Map# 8.-1-11.211; Zoning District AG/R)
 Application #13.04.04
 Application for **LAND SEPARATION**

- Mr. Czamara was present at the meeting.
- Mr. Czamara is purchasing a farm field with barn and shed from William Farnsworth (7978 Hopkins Rd.).
- Mr. Czamara is requesting a Land Separation of approximately 1.90 acres from TM# 8.-1-11.211 and merge with TM# 8.-1-11.22 (7990 Hopkins Rd.).
- Mr. Farnsworth wants to sell the property with measurements of 200'x172'.
- It is acreage and total frontage that counts, and that is ok.
- Detailed site plan submitted.

On **MOTION** made by Mr. Kutter, and seconded by Ms. Rindell to make a **NEGATIVE DECLARATION** and to accept the draft EAF.

ROLL CALL VOTE: Ms. Rindell-Aye; Mr. Kutter-Aye; Chairman Schneider-Aye, Mr. Herec-Aye; Mr. Cima-Aye; Mr. Knupfer-Aye.

ALL AYES-MOTION CARRIED

On **MOTION** made by Ms. Rindell, and seconded by Mr. Knupfer to **APPROVE** the Land Separation.

ROLL CALL VOTE: Ms. Rindell-Aye; Mr. Kutter-Aye; Chairman Schneider-Aye, Mr. Herec-Aye; Mr. Cima-Aye; Mr. Knupfer-Aye.

ALL AYES-MOTION CARRIED

Planning Board Decision: APPROVAL OF LAND SEPARATION.

DISCUSSION:

Yancy Fancy moving forward on expansion.

NEW BUSINESS:

None.

OLD BUSINESS:

Chairman Schneider, Shellye Dale-Hall, Ed Mileham and a lawyer met with RC Pulsars and neighboring landowners for more discussion on the noise complaints.

A **MOTION** to adjourn the meeting was made by Mr. Kutter, and seconded by Mr. Schneider.

ALL AYES—MOTION CARRIED

Meeting Closed at 8:50 pm.

Respectfully Submitted,

Diane M. Denton
Acting Recording Secretary
Thomas Schneider Chairman

These minutes are final—approved by the Town of Pembroke Planning Board 5/22/13