



**THE TOWN OF PEMBROKE
PLANNING BOARD
1145 Main Rd., Pembroke, NY 14036
Minutes for the regular meeting held on July 31, 2013**

ATTENDANCE:

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

PUBLIC PRESENT: Yes

MEETING called to order at 7:30 pm.
Chairman Schneider led the “Pledge of Allegiance”.

Corrections to the Minutes for the June 26, 2013 Planning Board Meeting: on page 4 under Public Participation, Donna Elliot and **her significant other** were present.

A MOTION TO APPROVE the Minutes with correction for the June 26, 2013 Planning Board Meeting was made by Richard Kutter, second to motion was made by John Cima.
ALL AYES—MOTION CARRIED.

Old Business: RC Pulsers update by Chairman Schneider: Neighboring residents were present at the July Town Board meeting. Chairman Schneider spoke with the town attorney and will be speaking with the town code enforcement officer about how to handle any citations that may need to be issued in order to either get the flying club back into compliance with their special use permit as issued or have a public hearing to see if some stipulations need to be added.

Public Hearing

Tambe Electric

1939 Genesee St., Town of Pembroke
(Tax Map #24.-1-23.2; Zoning District AG/R)

Application #13-06-06

Request for a **SPECIAL USE PERMIT**

Required Genesee Country Recommendation

PUBLIC HEARING opened at 7:32pm. The Notice of Public Hearing appeared in the Batavia Daily News July 15, 2013, an Affidavit of Posting was posted on the Town’s bulletin board and letters were sent to neighboring properties.

- Tambe Electric was represented by Vice President, Mike Russell. Tambe is purchasing a piece of property at 1939 Genesee St., where the company would like to install a 6 bay pole barn with a small office.
- Detailed site plan submitted.
- Genesee County Planning disapproved on the basis that Tambe's application is not for a landscaper's but contractor's yard, which is not included in the zoning for AG/R on the arterial highway.
- Mr. Russell attended the May Planning Board meeting to discuss Tambe Electric's plans. He confirmed that nothing in Tambe's proposal had changed since then.
- Chairman Schneider passed out Proposed Text Changes to the Town of Pembroke Zoning Law. The Town Board wants Contractor's Yard allowed on arterial highway. This change probably won't take effect for a couple of months.
- Board discussed whether they should approve before the Zoning changes are made, or wait until they are.
- Mr. Kutter commented that in the past the zoning has been stretched a little bit, and since it is going to be changed and in the interest of getting more businesses into the Town of Pembroke, the board should approve.
- Pole barn type building is not out of the ordinary in the area; it is the use of it that is the issue.
- Chairman Schneider is not concerned about setting a precedent as the changes to the zoning are going to be made.

PUBLIC PARTICIPATION—The current owner, Steve Tresino, who has given Tambe permission to make its application, was present. A few representatives from neighboring properties were present. Comments included:

- Good to bring business and dollars to the area.
- Concern expressed regarding electric, as there is already a lot of draw on it with the Corfu Machine Shop.
- Mr. Russell answered questions in regards to how many trucks there would be, explaining that the drivers would pick them up about 6am in the morning and return them at the end of the day. There would be a small office and toilet.
- At this time, Mr. Russell doesn't envision the purpose changing from being mainly a transportation hub. No merchandise would ever be sold from the property.
- Mr. Russell emphasized that his workers would keep the premises very neat and clean; it will not change the nature of the neighborhood.

On **MOTION** made by Mr. Cima, and seconded by Mr. Knupfer, the Public Hearing was CLOSED at 7:55 pm.

ALL AYES—MOTION CARRIED.

On **MOTION** made by Mr. Kutter, and seconded by Mr. Herec to make a **negative declaration on the SEQR short form.**

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

ALL AYES-MOTION CARRIED

On **MOTION** made by Chairman Schneider, and seconded by Mr. Kutter to **APPROVE the Site Plan and the Special Use Permit for a Contractor's Yard (based on the Town's boards plan to change the Zoning to allow such on the arterial highway) with restrictions.**

RESTRICTIONS: Oil separator to be installed; no excessive idling of trucks—not to exceed 15 minutes; supplies to be fenced and stored in rear; downward facing lighting.

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

ALL AYES-MOTION CARRIED

PLANNING BOARD DECISION: APPROVAL WITH RESTRICTIONS

Public Hearing

Angelo and Christine Jekov

834 Cohocton Rd., Town of Pembroke

(Tax Map #18.-2-29.122; Zoning District AG/R)

Application #13.06.03

Request for a **SPECIAL USE PERMIT for Home Occupation**

PUBLIC HEARING opened at 8:10pm. The Notice of Public Hearing appeared in the Batavia Daily News July 15, 2013, an Affidavit of Posting was posted on the Town’s bulletin board and letters were sent to neighboring properties.

- Christine Jekov and her daughter, Kimberly, who wishes to sell handcrafted fashion jewelry, bookmarkers, key chains, car ornaments, and household decorations out of a shed to be constructed at 834 Cohocton Rd., were present.
- A detailed site plan was submitted.
- Angelo Jekov had a home occupation for a Wine Making business, which was rescinded at the June Planning Board meeting.
- The application didn’t need referral to County.
- Initially, Ms. Jekov would like to be open weekends: 9am – 8pm on Saturdays and 9am – 5pm on Sundays. From January, she would like it to be open every day.
- There are three parking spaces, a spotlight on barn and on shed.
- There would be no negative impact on neighborhood.

PUBLIC PARTICIPATION—No public present. One letter received in approval of the application.

On **MOTION** made by Mr. Kutter, and seconded by Mr. Schneider, the Public Hearing was **CLOSED** at 8:18pm.

ALL AYES—MOTION CARRIED.

On **MOTION** made by Mr. Bakos, and seconded by Ms. Rindell to make a **negative declaration on the SEQR short form.**

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

ALL AYES-MOTION CARRIED

On **MOTION** made by Mr. Cima, and seconded by Ms. Rindell to **APPROVE the Site Plan and the Special Use Permit to conduct a Home Occupation.**

RESTRICTIONS: None

ROLL CALL VOTE Chairman Schneider-Aye; Ms. Rindell-Aye; Mr. Bakos-Aye, Mr. Kutter-Aye; Mr.

Cima-Aye; Mr. Herec-Aye; Mr. Knupfer-Aye.

ALL AYES-MOTION CARRIED

PLANNING BOARD DECISION: APPROVAL WITHOUT RESTRICTIONS

Public Hearing

Austin Smith

8940 Allegheny Rd., Town of Pembroke
(Tax Map #19.-1-46.112; Zoning District L/C)

Application #13.07.01

Request for a **SPECIAL USE PERMIT for Motor Vehicle Sales**

Required Genesee Country Recommendation

PUBLIC HEARING opened at 8:21pm. The Notice of Public Hearing appeared in the Batavia Daily News July 15, 2013, an Affidavit of Posting was posted on the Town's bulletin board and letters were sent to neighboring properties.

- Mr. Smith, who is requesting a Special Use Permit for motor vehicle sales at 8940 Allegheny Rd., was present. His purchase of the property from Reid Petroleum is pending.
- A detailed site plan was submitted.
- Purposed building will be a 12 ft. x 20 ft. building located 140 ft. from the North property line and 145 ft. from the right of way on RT. 77.
- He plans to add lighting directed towards the ground and away from traffic and neighbors to the building, existing lot and pump shelter to light the lot and inventory.
- Mr. Smith would like to leave the pump shelter there as it is a recognizable landmark in giving directions to customers. He will clean it up, paint it and add some grass. Tanks were taken out in 2005.
- He will not be stocking more than 35 vehicles at any one time.
- The building would serve as an office and customer service area.
- The Dealership will not have any employees and business will be conducted on an appointment basis only, hours of operation estimated to be less than 20 per week.
- The application was approved by County with modifications.
- No car repair work would be done. If, eventually, Mr. Smith decides to extend business into a vehicle repair shop, he will come back to the board to get permission.
- Mr. Smith hasn't contacted the DOT yet, in regards to the width of the driveways, but will do so if his application for the Special Use Permit is approved.
- Would need a new SEQR if Mr. Smith does any expansion in the future.

PUBLIC PARTICIPATION—No public present.

On **MOTION** made by Ms. Rindell, and seconded by Mr. Herec, the Public Hearing was CLOSED at 8:30pm.

ALL AYES—MOTION CARRIED.

On **MOTION** made by Mr. Kutter, and seconded by Ms. Rindell to make a **negative declaration on the SEQR short form.**

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

ALL AYES-MOTION CARRIED

On **MOTION** made by Mr. Kutter, and seconded by Mr. Herec to **APPROVE the Site Plan and the Special Use Permit with restrictions.**

RESTRICTIONS:

- County Stipulations: 1) No parking shall take place within the public right-of-ways or in such a manner that would require vehicles to back out onto a public highway; 2) the applicant obtains a driveway permit from NYS DOT for the expansion/change; 3) no vehicles intended for dismantling or use for parts shall be stored on the property; 4) on-site lighting shall be installed so as not to shine directly onto neighboring properties or cause a hazard for motorists.
- No more than 35 cars.
- Contingent on Mr. Smith buying the property.

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

ALL AYES-MOTION CARRIED

PLANNING BOARD DECISION: APPROVAL WITH RESTRICTIONS

Land Separation

(On hold from June 26th Meeting)

John Mroz

9092 Allegheny Rd., Town of Pembroke
(Tax Map #23.-1-3.11; Zoning District L/C)

- Mr. Mroz not present.
- He sent a copy of a survey, but it seems to be the same as presented at the June meeting when he wasn't sure how far back he wanted to be on Allegheny Rd.
- Chairman Schneider will contact him to see what his plans are and get him into the next meeting.

Land Separation

Paul & Betty Miller

9060 Allegheny Rd., Town of Pembroke
(Tax Map #23.-1-1.111; Zoning District AG/RES)
Application #13.07.03

- The Millers wish to separate 14 acres from 23.-1-1.111 & merge with 12.-1-1.12 & 12.-1-1.112, and then separate into another two properties of 47 acres and approximately 30 acres.
- Road frontage on Lover's Lane would be approximately 125 ft.; it would need 200 ft. to be in compliance.
- May need an area variance because the 47 acres will not have enough road frontage.
- Put on Zoning Board of Appeals agenda for August agenda as an informational, to decide whether the application needs an area variance or not.
- If it does it will have to go to County in September.

Land Separation

Casey & Jesse Stocking

2186 Angling Rd., Town of Pembroke
(Tax Map #24.-1-12.1; Zoning District AG/RES)

- The Stockings were present and wish to do a land separation from TM #24.-1-12.1 to merge with TM #20.-1-59.
- Would create a landlocked parcel.
- Would need to cross Tax Map boundaries. County rule is that there is no merging across Tax Map numbers.
- Chairman Schneider spoke to Jill Babinski at County, John Givens at Real Property, and to the town attorney, and was told that the only way to merge the two properties would be in the deed language.
- According to Real Property, the deed language trumps the survey.
- Chairman Schneider also spoke to the ZBA about the zero frontage variance. The ZBA didn't like the zero frontage variance idea because then it would be a buildable parcel.
- The town attorney said that the zoning applies to a building lot, which this wouldn't be.
- An easement on both sides, off of Genesee St. and Boyce Rd, would protect them.

On **MOTION** made by Mr. Kutter and seconded by Mr. Bakos to make a **negative declaration on the SEQR short form**.

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

ALL AYES-MOTION CARRIED

On **MOTION** made by Mr. Schneider and seconded by Mr. Bakos to **APPROVE the land separation and merger**.

Contingent upon:

- Proper language received showing resolution of pending easement.
- Proper deed language to be reviewed by town attorney stating that the two parcels are merged in perpetuity.

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

ALL AYES-MOTION CARRIED

PLANNING BOARD DECISION: APPROVAL WITH CONTINGENCIES.

DISCUSSION: None.

NEW BUSINESS: None.

A **MOTION** to adjourn the meeting was made by Mr. Cima, and seconded by Mr. Bakos.

ALL AYES—MOTION CARRIED

Meeting Closed at 9:35 pm.

Respectfully Submitted,
Diane M. Denton
Acting Recording Secretary
Thomas Schneider Chairman

These minutes were approved by the Town of Pembroke Planning Board on 8/28/13.