



## THE TOWN OF PEMBROKE PLANNING BOARD

1145 Main Rd., Pembroke, NY 14036

Minutes for the regular meeting held on November 27, 2013

### ATTENDANCE:

- Chairman-Thomas Schneider
  - Vice Chairman-Michael Herec
  - Michael Bakos
  - David Knupfer
- Diane Denton-Acting Recording Secretary

### **PUBLIC PRESENT: Yes**

MEETING called to order at 7:31 pm.

Chairman Schneider led the “Pledge of Allegiance”.

**A MOTION TO APPROVE the Minutes** from the October 30, 2013 Planning Board Meeting was made by Mr. Knupfer; second to motion was made by Chairman Schneider.

**Voice Vote: ALL AYES—MOTION CARRIED.**

### **Public Hearing**

#### **Megan Roffle**

893 Gabbey Rd., Town of Pembroke

TM# 10.-1-38.115.

Zoning District AG/Res

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

*Required Genesee Country Recommendation*

**PUBLIC HEARING** opened at 7:32pm. The Notice of Public Hearing appeared in the Batavia Daily News November 18, 2013, an Affidavit of Posting was posted on the Town’s bulletin board and letters were sent to neighboring properties.

- Megan and Susan Roffle were present, and are requesting a Special Use Permit for a Home Occupation to run a Catering Bakery from their home.
- County approved, stating that the proposed home occupation did not appear to pose significant impacts. Also, that the applicant should ensure that all necessary approvals from the New York State Agriculture and Markets are obtained prior to commencement of operation.
- Ms. Roffle said that they had contacted the Department of Agriculture and were told to go through the County Health Department, which they did.
- There was one phone call received from a resident who approved of the home occupation. Two neighbors were present who also were in favor of it.
- Ms. Roffle said that her business would be mostly catering and wholesale to area stores. A few customers might come to the house to pick up, but they would prefer to deliver.
- There are three spaces for customer parking with a turnaround.
- They are not sure if they will put a sign out at the onset. Under Home Occupation signage meeting the required dimensions is allowed.

**PUBLIC PARTICIPATION—YES**

On **MOTION** made by Mr. Bakos, and seconded by Mr. Knupfer, the Public Hearing was CLOSED at 7:40pm.

**Voice Vote: ALL AYES—MOTION CARRIED.**

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

**ROLL CALL VOTE** Mr. Bakos-Aye; Mr. Herec-Aye; Mr. Knupfer-Aye; Chairman Schneider-Aye.  
**ALL AYES-MOTION CARRIED**

On **MOTION** made by Mr. Bakos, and seconded by Mr. Knupfer to **APPROVE** Special Use Permit for Home Occupation and Site plan.

**ROLL CALL VOTE** Mr. Bakos-Aye; Mr. Herec-Aye; Mr. Knupfer-Aye; Chairman Schneider-Aye.  
**ALL AYES-MOTION CARRIED**

**PLANNING BOARD DECISION: APPROVAL of Special Use Permit and Site Plan.**

**One Source Facility Solutions / Yancey's Fancy**

Routes 5 and 77, Town of Pembroke

TM# 18.-1-73.1

Zoning District: Interchange

Request for a **Temporary SPECIAL USE PERMIT**

- Zoning Code states that any construction trailers put on the site of Yancey's Fancy proposed facility need a temporary Special Use Permit.
- Chairman Schneider noted that since the board approved the Special Use Permit for this construction site, it wouldn't make sense to refuse the permit for the construction trailers.
- Chairman Schneider has drafted a resolution to cover any construction trailers that are needed at the site.

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

**ROLL CALL VOTE:** Mr. Bakos-Aye; Mr. Herec-Aye; Mr. Knupfer-Aye; Chairman Schneider-Aye.  
**ALL AYES-MOTION CARRIED**

On **MOTION** made by Mr. Bakos, and seconded by Mr. Knupfer to **APPROVE** Special Use Permit for all trailers per the following resolution for Yancey's Fancy BETP Trades and Construction Trailers:

**WHERE AS,** a Special Use Permit was granted for an Industrial Park at the Buffalo East Tech Park, and,

**WHERE AS,** a Site Plan was reviewed and approved for the construction of Yancey's Fancy warehouse and production facility,

**NOW THERE FOR BE IT RESOLVED**, that all Trades Trailers and storage units used, temporarily, in conjunction with the construction of the Yancey's Fancy facility at the Buffalo East Tech Park shall be granted a Special Use Permit. Said units shall be removed within two months of the building being commissioned, unless an extension is granted.

**ROLL CALL VOTE:** Mr. Bakos-Aye; Mr. Herec-Aye; Mr. Knupfer-Aye; Chairman Schneider-Aye.  
**ALL AYES-MOTION CARRIED**

**PLANNING BOARD DECISION: APPROVAL of Temporary Special Use Permit per Resolution.**

**OLD BUSINESS: Zoning Text changes:** took out provision that would allow the Zoning Board to approve a use that isn't listed, which County didn't like, and corrected a few typos. Added a provision to allow chickens and small farm animals within the Town of Pembroke. Also to allow a contractor's yard as a permitted use in an Industrial Zone. Country approved at their November meeting.

On **MOTION** made by Mr. Bakos, and seconded by Mr. Knupfer to **RECOMMEND APPROVAL** of the revised November 5, 2013 Zoning Text Changes.

**Voice Vote: ALL AYES—MOTION CARRIED.**

**NEW BUSINESS:**

Because the last Wednesday of December falls on Christmas, on **Motion** made by Chairman Schneider; and seconded by Mr. Knupfer to **move December 2103 meeting date to Monday, December 23 at 7:30pm.**

**Voice Vote: ALL AYES—MOTION CARRIED.**

Yancey's Fancy retaining wall: Shellye Dale-Hall thinks that it is a structure and needs to be within the proper setbacks of Zoning Code, while Chairman Schneider considers it more of a fence-type situation, as part of the land more than an actual structure and the board tended to agree with him. Chairman Schneider will be talking to the Zoning Board of Appeals about this. Also, at the last Town Board Meeting, Wayne Henry got the impression from the town fire department that in order to accommodate Yancey's Fancy new building, the town would need a new ladder truck. Ed Mileham, who is the fire chief for Indian Falls, brought up that there are five ladder trucks within fifteen minutes.

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

**ALL AYES—MOTION CARRIED**

Meeting Closed at 8:00pm.

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

*These minutes were approved by the Town of Pembroke Planning Board 1/29/14.*