



## THE TOWN OF PEMBROKE PLANNING BOARD

1145 Main Rd., Pembroke, NY 14036

Minutes for the regular meeting held on January 29, 2014

### ATTENDANCE:

- Chairman-Thomas Schneider
  - John Cima
  - Michael Bakos
  - 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”.

**A MOTION TO APPROVE the Minutes** from the November 27, 2013 Planning Board Meeting was made by Mr. Knupfer; second to motion was made by Mr. Bakos.

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

### **Land Separation**

**Genesee Gateway Local Development Corporation (GGLDC) & Yancey’s Fancy**  
Brickhouse Corners Dr., Corner of Rt. 5 & Rt. 77  
(TM# 19.-1-73.1; Zoning District INT)

- Jennifer Dougherty present from Phillips Lytle to represent the GGLDC.
- The GGLDC is working towards developing Industrial Park. Yancey’s Fancy is currently in negotiations for the purchase of TM# 19.-1-73.1, located along the western boundary of the Industrial Park and Brickhouse Corners Dr.
- The GGLDC is requesting the separation of TM# 19.-1-73.1 into two parcels: one for the construction of a cheese manufacturing facility and the second to contain an access road to provide access to the proposed Yancey’s Fancy parcel and any future development on the adjacent GGLDC parcel.
- The access road would remain in the GGLDC’s possession until such time that another buyer comes along for the southern portion of the park. Then the decision would be made whether to make it a public road, let it go to the new owner or to have some type of easement agreement.
- The separation is needed to allow flexibility for the development of the site.
- There has been an issue with the hammerhead parcel, where the road stops now. In previous plans they were going to have the road t-off and perhaps merge with the parcel.
- Jennifer said there had been discussions with the Town Board, but no final resolution had been made on that yet.
- All required variances were granted by the Zoning Board of Appeals on January 15, 2014.
- This was handled in the full SEQR, so board doesn’t have to act on the separation in that regard.

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

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

**PLANNING BOARD DECISION: APPROVAL of Land Separation.**

**Discussion/RC Pulsers**

13923 Knapp Rd.

TM# 14.-1-73.1

Zoning District: AG/R

**Concessions made by Club Members  
Regarding RC Pulsers' SPECIAL USE PERMIT**

- The RC Pulsers club has proposed new hours:
  - Monday – Saturday: 10:00am to dusk
  - Sunday: 11:00am to dusk.
- Chairman Schneider thought that Sunday should be Noon to 6pm.
- Nearby residents Joe Halleck and Mary Goldhawk were present. They wondered if anything had been discussed with the club regarding the gas planes which are noisier.
- Frank Dalfonzo of the RC Pulsers replied that they were going to be more restrictive on the noise levels for the gas planes.
- Chairman Schneider said that the only thing that the Town's enforcement could operate on is if there is some data showing that the noise is beyond what's reasonable. Of course, 'reasonable' can differ from person to person. If the residents have some noise level readings from their property, then they could present it to the enforcement as a hindrance to the neighborhood.
- The Town Board felt that, up to now, in terms of noise, there has been no hard evidence to go by.
- Chairman Schneider said they needed the club's opinion on beginning at noon on Sunday in writing to present to the board at the February meeting.
- Mr. Dalfonzo said that the next club meeting was on February 11<sup>th</sup>. He wondered if the club agrees to a noon start on Sunday, could this then be put to bed.
- Chairman Schneider replied that any hard evidence of noise problems or any other violation(s) would be an enforcement issue.
- Mr. Dalfonzo explained that regarding noise levels there are four readings that are taken: front, back and each side and these are recorded. Unless the plane is modified it doesn't get tested again.
- Chairman Schneider wondered if the club would have a problem with testing the planes on a yearly basis, in order to keep track of any modifications the club hasn't been made aware of.
- Mr. Dalfonzo said they could do that.
- Joe Halleck made a comment that noise testing on the ground and in the air could be quite different. He wondered if there was any limit on flying area.
- Mr. Dalfonzo said that the area definition of 200 ft. x 600 ft. pertains to the part of the property that is cut and maintained for the planes. Air space is unlimited, but they can't fly too far out for they would lose track of the planes.
- Chairman Schneider noted that it is similar to the Akron Airport – the planes aren't just flying around the airport's land area.

- There was a question about a red plane that has been flown. This isn't a plane that belongs to a club member. Chairman Schneider said that the board can't do anything about a resident flying a personal plane.
- The following proposal will be put to the RC Pulser's Club members on February 11<sup>th</sup>:
  - Noon start time on Sunday
  - Yearly noise testing on gas powered planes.
- The club will put its concessions in writing and this written proposal will be sent to all residents within 500 ft. before the next Planning Board meeting.
- In the meantime, residents can bring any violation issues to the Town enforcement (not the Planning Board).

**OLD BUSINESS:** Chairman Schneider brought up that Jeffrey Humel has been asking about getting his second apartment on his property on Indian Falls Rd. Occupants were allowed, then not, and then allowed again. The Zoning has been changed to make it clear that a two-family residence is allowed with a Special Use Permit. One apartment is presently occupied. Mr. Cima reminded the board that Jeffrey Humel was granted the apartments on his property on Indian Falls Rd. on the agreement that the business would go. He still has both. Chairman Schneider said that it was a vocal agreement; nothing was put in writing. Chairman Schneider noted that if SUP was gone the issue of the apartments wouldn't come before the board, as the Zoning allows them. The way this has evolved, the Special Use Permit was granted for one use, and the apartments are a secondary use. He will speak with the Town lawyer and get his determination in writing. There is a need for some green space for the apartments, to create a buffer between them and Donna Elliott's property.

Also, Chairman Schneider was wondering if dirt was moved on the Yancey's Fancy site in the Industrial Park. It was agreed that if any topsoil was removed, it needs to be put back. Charlie or John will go over and give them a nod to do what they need to.

**NEW BUSINESS: None**

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

**ALL AYES—MOTION CARRIED**

Meeting Closed at 8:12pm.

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

*These minutes were approved by the Town of Pembroke Planning Board 2/26/14.*