



**THE TOWN OF PEMBROKE  
PLANNING BOARD**  
**1145 Main Rd., Pembroke, NY 14036**  
Minutes for the regular meeting held on May 28, 2014

**ATTENDANCE:**

- Chairman-Thomas Schneider
  - Vice Chairman-Michael Herec
  - Linda Rindell
  - Marie Vaughn
  - Richard Kutter
  - David Knupfer
  - Alternate-John Kadziolka
- Diane Denton-Acting Recording Secretary

**PUBLIC PRESENT: Yes**

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

Chairman Schneider asked for it to be recorded that the alternate, Mr. Kadziolka, would be sitting in for Mr. Bakos.

**A MOTION TO APPROVE the Minutes** from the March 26, 2014 Planning Board Meeting was made by Chairman Schneider; second to motion was made by Ms. Vaughn.  
**Voice Vote: ALL AYES—MOTION CARRIED.**

**Public Hearing**

**David Cummings**

9178 Allegheny Rd., Town of Pembroke

Tax Map #23.-1-50.1 & #23.-1-50.2

Zoning District AG/R

Request for a **SPECIAL USE PERMIT for Installation of a Pond**

*Required Genesee Country Recommendation*

**PUBLIC HEARING** opened at 7:32pm. The Notice of Public Hearing appeared in the Batavia Daily News May 7, 2014, an Affidavit of Posting was posted on the Town’s bulletin board and letters were sent to neighboring properties.

- Mr. Cummings' wife, Aimee, was present.
- Genesee County approved, given the site has been deemed appropriate by the Genesee County Soil and Water Conservation District and the proposed pond should not pose significant impacts. They did stipulate the following modifications: 1) The applicant combines the two parcels in order to comply with the minimum setbacks required by the Town of Pembroke Zoning Law, and 2) If the project will be disturbing (excavation or fill) at least one acre of land, the applicant shall obtain the required storm water permit from NYSDEC prior to construction.
- Total parcel is 5.1 acres. Mrs. Cummings assured the board that the pond would be less than one acre, possibly even less than ½ acre.
- Two letters were received from neighbors and both were fine with the proposed pond.
- Mrs. Cummings said they had discussed their plan with their nearest neighbor even before the process began and they had no problem with it.
- Chairman Schneider stated that the proposed pond meets all setbacks.
- The merger of the two parcels has taken place.

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

**ALL AYES—MOTION CARRIED.**

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

**ROLL CALL VOTE** Ms. Rindell-Aye; Mr. Kutter-Aye; Ms. Vaughn-Aye; Mr. Herec-Aye; Mr. Knupfer-Aye; Mr. Kadziolka-Aye; Chairman Schneider-Aye.

**ALL AYES-MOTION CARRIED**

On **MOTION** made by Chairman Schneider, and seconded by Mr. Knupfer to **APPROVE Special Use Permit for the constructions of a pond.**

**Contingency:** If it's more than one acre, a Storm Water Permit needs to be obtained from the DEC and a copy given to Zoning and Codes officer, Charlie Reid.

**ROLL CALL VOTE** Ms. Rindell-Aye; Mr. Kutter-Aye; Ms. Vaughn-Aye; Mr. Herec-Aye; Mr. Knupfer-Aye; Mr. Kadziolka-Aye; Chairman Schneider-Aye.

**ALL AYES-MOTION CARRIED**

**PLANNING BOARD DECISION: APPROVAL of Special Use Permit with contingency.**

## **Land Separation**

### **Yancey's Fancy**

998 Main Rd., Town of Pembroke

(Tax Map #19.-1-10.1; Zoning District Commercial)

- No one from Yancey's Fancy was present.

- Regarding the construction for Yancey's Fancy new cheese facility: it wasn't taken into account that the building was going to be so close to the property line and, therefore, need to be fire-rated.
- To avoid the greater expense for fire-rating, Yancey's has purchased 60 ft. of property from 998 Main Rd., which is located on the west side.
- The parcel is without any road frontage, but will just be squared up to the parcel Yancey's new facility is being built on.
- The reason for the delay in the application for this separation was that Yancey's had to close on the parcel purchased from the GGLDC before they could purchase this one.
- The separated piece has to be merged with Yancey's current parcel to avoid being a landlocked parcel.
- This action wouldn't change the nature of the project, as it's merely an add-on to comply with building code.
- The separated parcel is commercial, but as long as nothing is built on it, it is alright for it to be merged with an Interchange parcel.
- GGLDC did an extensive SEQR on this project.

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

**ROLL CALL VOTE** Ms. Rindell-Aye; Mr. Kutter-Aye; Ms. Vaughn-Aye; Mr. Herec-Aye; Mr. Knupfer-Aye; Mr. Kadziolka-Aye; Chairman Schneider-Aye.

**ALL AYES-MOTION CARRIED**

On **MOTION** made by Mr. Schneider and seconded by Mr. Knupfer to **APPROVE the land Separation contingent upon it being merged with the existing parcel.**

**ROLL CALL VOTE** Ms. Rindell-Aye; Mr. Kutter-Aye; Ms. Vaughn-Aye; Mr. Herec-Aye; Mr. Knupfer-Aye; Mr. Kadziolka-Aye; Chairman Schneider-Aye.

**ALL AYES-MOTION CARRIED**

**PLANNING BOARD DECISION: Land separation approved with contingency.**

**DISCUSSION:**

**OLD BUSINESS:** Chairman Schneider has found some online training that the State offers, and is looking to do one evening a month for the board to go through it. He's going to get Felipe at County to do SEQR training at the Pembroke Town Offices. The Town Board has authorized these training courses to count towards both the Planning Board and Zoning Board of Appeals training hours.

Chairman Schneider is still getting complaint calls from neighbors regarding the RC Pulsers. He tells them that if they aren't happy with how he and the Planning Board handled their issues, they should talk to the Town Board. Or if they get some hard evidence of noise levels,

etc. they should bring it to the attention of the Code Enforcement. Chairman Schneider explained the situation between RC Pulsers and neighboring residents to the new board members.

**NEW BUSINESS:** All board members received a copy of the Special Use Permit Home Occupation report current for 2014.

**A MOTION** to adjourn the meeting was made by Mr. Knupfer, and seconded by Ms. Rindell.

**ALL AYES—MOTION CARRIED**

Meeting Closed at 8:10pm.

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

*These minutes were approved by the Town of Pembroke Planning Board 6/25/14.*