



THE TOWN OF PEMBROKE PLANNING BOARD

1145 Main Rd., Pembroke, NY 14036

Minutes for the regular meeting held on August 27, 2014

ATTENDANCE:

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

PUBLIC PRESENT: Yes

MEETING called to order at 7:30pm.

Chairman Schneider led the “Pledge of Allegiance”.

A MOTION TO APPROVE the Minutes from the July 30, 2014 Planning Board Meeting was made by Ms. Rindell; second to motion was made by Mr. Kutter.

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

Public Hearing

Linda Richley

8783 Allegheny Rd., Town of Pembroke

Tax Map #19.-1-17.11

Zoning District: Limited Commercial

Review of site plan for conversion of house into a diner

Required Genesee Country Recommendation

PUBLIC HEARING opened at 7:31pm. The Notice of Public Hearing appeared in the Batavia Daily News August 1, 2014, an Affidavit of Posting was posted on the Town’s bulletin board and letters were sent to neighboring properties.

- Ms. Richley has submitted a site plan for the conversion of the house at 8783 Allegheny Rd. into a diner.
- County approved, with stipulations, that Ms. Richley follow the sign ordinances, obtains a driveway permit, and sewer grease-traps.
- The house will not be expanded, but just converted into a restaurant.

- Ms. Richley said that she has had good feedback from the public.
- Both Chairman Schneider and Ms. Richley spoke with her next door neighbor, Daniel Mast. At first he was upset with the proposal, but now is feeling better about it.
- Ms. Richley wants to make sure her customers don't go onto the playground that is on Mr. Mast's property or have Mr. Mast's grandchildren in the diner's parking lot. He would rather she put in a hedge than put up a fence. Ms. Richley said that she can't really afford a hedge, but was thinking of a white picket fence. She assured that she would do whatever she could to get along with Mr. Mast.
- The target for opening the diner is September.
- Mr. Bakos asked about the lighting for the parking lot and mentioned that it needed to be facing down, not out.
- This property has been zoned Limited Commercial for twenty years.
- Ms. Richley said that the signage would be small and that the diner will close at 2pm and probably not be open at night, unless she decides to open Friday evenings.
- The site plan shows that the current driveway will be closed off and a larger driveway will be constructed to NYS DOT standards.
- As well as approval of the Site Plan, Ms. Richley will need a Special Use Permit for running the restaurant (Zoning Ordinance: Section 405, B, #18)

On **MOTION** made by Mr. Kutter, and seconded by Ms. Rindell, the Public Hearing was CLOSED at 7:50pm.

ROLL CALL VOTE Mr. Bakos-Aye; Ms. Rindell-Aye; Mr. Kutter-Aye; Ms. Vaughn-Aye; Mr. Herec-Aye; Mr. Knupfer-Aye; Mr. Schneider-Aye.
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 Mr. Bakos-Aye; Ms. Rindell-Aye; Mr. Kutter-Aye; Ms. Vaughn-Aye; Mr. Herec-Aye; Mr. Knupfer-Aye; Mr. Schneider-Aye.
ALL AYES-MOTION CARRIED

On **MOTION** made by Chairman Schneider and seconded by Mr. Knupfer to **APPROVE the Site Plan based on the stipulations County specified.**

ROLL CALL VOTE Mr. Bakos-Aye; Ms. Rindell-Aye; Mr. Kutter-Aye; Ms. Vaughn-Aye; Mr. Herec-Aye; Mr. Knupfer-Aye; Mr. Schneider-Aye.
ALL AYES-MOTION CARRIED

PLANNING BOARD DECISION: Site Plan approved with stipulations:

1. **Driveway Permit is obtained.**
2. **Signage complies with Town of Pembroke zoning law.**
3. **Lighting not spill onto the neighboring properties or highway.**

On **MOTION** made by Chairman Schneider and seconded by Mr. Herec to **APPROVE the Special Use Permit for a restaurant with the same stipulations as attached to the Site Plan.**
ROLL CALL VOTE Mr. Bakos-Aye; Ms. Rindell-Aye; Mr. Kutter-Aye; Ms. Vaughn-Aye; Mr. Herec-Aye; Mr. Knupfer-Aye; Mr. Schneider-Aye.
ALL AYES-MOTION CARRIED

PLANNING BOARD DECISION: Special Use Permit approved.

Land Separation

Donald Dylag

1451 Indian Falls Rd., Town of Pembroke

Tax Map #9.-2-10.1

Zoning District: AG/RES

Split an approximately 4 acre lot into two 2 acre lots

- Mr. Dylag wishes to split 217 feet off of TM #9.-2-10.1 to merge with TM# 9.-2-9, the parcel his house is on. This would put both parcels in compliance, each with frontage of 217.72 feet. Currently the lot his house is on is only 110 feet, a non-compliance that was grandfathered in.
- Because of the merger, a full survey (including both lots) is needed. Don said that he would get Mylar for Chairman Schneider to sign.

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

ROLL CALL VOTE Mr. Bakos-Aye; Ms. Rindell-Aye; Mr. Kutter-Aye; Ms. Vaughn-Aye; Mr. Herec-Aye; Mr. Knupfer-Aye; Mr. Schneider-Aye.
ALL AYES-MOTION CARRIED

On **MOTION** made by Mr. Kutter and seconded by Mr. Herec to **APPROVE the Land Separation and Merger.**

ROLL CALL VOTE Mr. Bakos-Aye; Ms. Rindell-Aye; Mr. Kutter-Aye; Ms. Vaughn-Aye; Mr. Herec-Aye; Mr. Knupfer-Aye; Mr. Schneider-Aye.
ALL AYES-MOTION CARRIED

DISCUSSION: Chairman Schneider said that at the Zoning Law Review Meetings, a question came up as to whether there should be special setbacks for industrial parks. Yancey's Fancy new building in the GGLDC Industrial Park didn't need a setback variance as they only apply to public roads. Chairman Schneider told the Town Board he would have something to present at their next meeting to address this issue. He felt that it should stay the same—that if the GGLDC retains ownership of the entire park they can do what they want, but if they sell off portions they must abide by Zoning Law and apply for variances as needed. The other board members concurred.

NEW BUSINESS: None

OLD BUSINESS: Neighbors are suing the RC Pulsers club and, also, the Miles who own the property the club uses. Nothing has been served to the Town of Pembroke.

Ms. Rindell wanted to know what zoning changes had been made that affected the Humel situation on Indian Falls Rd. Chairman Schneider said that the only thing changed—and not specifically for Mr. Humel—was that a non-residential use is permitted along with a residential use for a one or two family residences, which is allowed in an Agricultural/Residential district generally. Ms. Rindell thought Mr. Humel currently has three apartments. Chairman Schneider was told by Charlie Reid that from the three apartments two were made into one, so currently there are two apartments. Linda brought up some of the issues that are adversely affecting Donna Elliott, including harassment, bad smells and that she believed more than storage was going on regarding Mr. Humel’s Porta Potty business. Mr. Kutter said that it is an issue of enforcement if Mr. Humel is violating his Special Use Permit. If the Zoning Administration doesn’t see any violation, then it is up to the Town Board, and if the Town Board is of the same mind, then it is up to the residents to take legal action.

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

ALL AYES—MOTION CARRIED

Meeting Closed at 8:28pm.

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

These minutes were approved by the Town of Pembroke Planning Board 9/24/14.