



**THE TOWN OF PEMBROKE
PLANNING BOARD
1145 Main Rd., Pembroke, NY 14036
Minutes for the regular meeting held on October 28, 2015**

ATTENDANCE:

- Chairman-Thomas Schneider
 - Linda Rindell
 - Mike Bakos
 - Richard Kutter
 - David Knupfer
 - Marie Vaughn
 - Greg Kuras
- 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 September 30, 2015 Planning Board Meeting was made by Mr. Knupfer; second to motion was made by Ms. Vaughn.

Voice Vote: ALL AYES—MOTION CARRIED.

Public Hearing

Use Variance/Double D Kennels/Deborah Kirkum
2436 Beckwith Rd., Town of Pembroke
(Tax Map # 13.-1-6.2; Zoning District: Agricultural)
Required Referral to Genesee County

PUBLIC HEARING was opened at 7:31pm. The Notice of Public Hearing ran in the Batavia Daily News October 10, 2015, was posted on the Town’s Bulletin Board, and letters were sent to adjoining property owners within 500 feet.

- Ms. Kirkum was present. She runs the kennel primarily to further her breeding program of mini Dachshunds. They have small litters, normally 1 – 4 puppies. Full grown, the dogs average about 7-10lbs. It has been a ‘hobby’ in her family for a long time.
- Currently she has 34 on site, which includes males as well as breeding females and some retired dogs. The females never have more than 3 litters in their lifetimes.
- She has dog licenses for 41 and is comfortable with this limit.

- There is no boarding. Technically, Ms. Kirkum is the owner of the dogs, although some of them live with co-owners for training. Primary goal is to raise quality dogs. Buyers have to show they will provide a good home for the dogs and train them properly.
- The dogs are always fenced in when outside, and are brought in at night. There is very little barking.
- Charlie Reid has gone out to the kennel and reported that it is well kept and heated.
- Genesee County approved with modifications: 1) the applicant submit a revised EAF, as the form provided references the previous variance request, 2) the applicant complete an Agricultural Data Statement, and 3) a waste management system plan be reviewed and deemed acceptable to the outside agency (i.e., Genesee County Soil and Water Conservation District, or other source acceptable to the Town). Otherwise, County found that, given the proposed dog kennel will be located in an agricultural area with over 50 acres of land, it should pose no significant county-wide or inter-community impact.
- Ms. Kirkum said that waste is double-bagged and goes out with trash. Mr. Bartholf, a farmer, is the owner of the property and wondered if he could spread the dog manure on his fields.
- The Town Board changed the Zoning Law to allow kennels in the Agricultural District.
- Mr. Kuras thought that 41 dogs, a website, and an advertisement on e-bay indicate a business rather than a hobby, and, therefore, Ms. Kirkum’s kennel should be considered a Home Occupation.
- Ms. Kirkum said that she had already filled out an Agricultural Data Statement.

Public Present: Applicant, Ms. Kirkum, and owner of the property, Mr. Bartholf.

Motion to Close the Public Hearing made by Mr. Kutter and seconded by Ms. Rindell.

Voice Vote: All Ayes—motion passed.

The Public Hearing Closed at 7:52pm

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

ROLL CALL VOTE Mr. Bakos-Aye; Ms. Rindell-Aye; Mr. Kutter-Aye; Mr. Knupfer-Aye; Ms. Vaughn-Aye; Mr. Kuras-Aye; Mr. Schneider-Aye

ALL AYES-MOTION CARRIED

- Board decided to call it a Home Occupation, so it won’t have to be re-addressed at a later date.

On **MOTION** made by Mr. Bakos and seconded by Mr. Knupfer to approve a Home Occupation Special Use Permit to conduct a dog kennel with the following restrictions:

- 1) **No more than 41 dogs on site**
- 2) **Waste to be disposed of off-site in the appropriate manner**

ROLL CALL VOTE Mr. Bakos-Aye; Ms. Rindell-Aye; Mr. Kutter-Aye; Mr. Knupfer-Aye; Ms. Vaughn-Aye; Mr. Kuras-Aye; Mr. Schneider-Aye

ALL AYES-MOTION CARRIED

Land Separation

Mark Cerasani

9082 Lake Rd., Town of Pembroke

Tax Map# 22.-1-10.22

Zoning District: AG/RES

- Mr. Cerasani was present. He wishes to separate 1.5 acres from a 4.24 acre parcel.
- The milk house shown on the old survey is now gone.
- There is sufficient frontage on Lake Rd.
- A new mylar was presented that Chairman Schneider signed.

On **MOTION** made by Mr. Schneider 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; Mr. Knupfer-Aye; Ms. Vaughn-Aye; Mr. Kuras-Aye; Mr. Schneider-Aye
ALL AYES-MOTION CARRIED

On **MOTION** made by Mr. Kutter and seconded by Ms. Vaughn to **APPROVE the Land Separation as presented.**

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

Preliminary Presentation and Discussion

Dollar General/C&S Companies

9181 Allegheny Rd., Town of Pembroke

Tax Map# 23.-1-11.1; Zoning District: Agricultural/Residential with Limited Commercial
Requires referral to Genesee County and Public Hearing for variances

- Lowell Dewey, licensed professional engineer from C&S Engineers, Buffalo, was present, representing client who builds Dollar General Stores throughout WNY.
- Site is a 1 ½ acre parcel on the east side of Allegheny Rd.
- The proposal is for thirty 9' x 20' parking spaces, less spaces and smaller than code calls for. Town code calls for 10' x 20' and more parking spaces: Section 501 F (other business/commercial usage) requires 1 space for every employer plus 1 for every 200 ft.
- Mr. Lowell said that Corporate Dollar General dictates what they need.
- The box-like store would be 9100 sq. ft. (sales floor 7500 sq. ft.); steel-sided with color on front.
- They will do storm water detention.
- Driveway permit application has been sent to the DOT to get it started. There will be a wide entrance for one big delivery truck per week. Dumpster will be at back.
- Mr. Kutter said that driveway permit has to be approved before the board can approve site plan.
- Four variances will be needed.

- Application will have to go to Genesee County for November, with Public Hearings before the ZBA for variances and Planning Board for Site Plan and Special Use Permit in November. Board agreed that the two public hearings can be advertised, etc. as one.
- Mr. Lowell said his client would like to begin construction just after the New Year, and Dollar General would like to open the store in April 2016.

Land Separation

Laurie Snyder

1711 Genesee St., Town of Pembroke

Tax Map# 24.-1-9.2

Zoning District: AG/RES

- Ms. Snyder was present. She wishes to separate approximately 1 acre around house, which would leave a horseshoe of remaining property with 508 ft. of frontage on Lake Rd., but may need variance for barn.
- She has had the whole parcel on the market for a year, with any potential buyers interested in the house only, and not the farm buildings.
- Mr. Schneider thought that the front yard of remaining parcel would be at the back property line of new parcel. A call should be put in to ZBA Chairman Witkowski to see if he considers it a front yard or side yard to decide whether it needs to go to County for a variance.

Land Separation and Merger

Richard Kutter

4338 Main Rd., Town of Pembroke

Tax Map# 19.-1-23.11

Zoning District: AG/RES

- Mr. Kutter gave land to son and he just kept house.
- He has Mylar and when he gets back from Florida will get it to Chairman Schneider to sign.

On **MOTION** made by Mr. Schneider 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. Knupfer-Aye; Ms. Vaughn-Aye; Mr. Kuras-Aye; Mr. Schneider-Aye

(Mr. Kutter excused himself)

SIX AYES-MOTION CARRIED

On **MOTION** made by Mr. Kuras and seconded by Mr. Bakos to **APPROVE the Land Separation and Merger as presented.**

ROLL CALL VOTE Mr. Bakos-Aye; Ms. Rindell-Aye; Mr. Knupfer-Aye; Ms. Vaughn-Aye; Mr. Kuras-Aye; Mr. Schneider-Aye

(Mr. Kutter excused himself)

SIX AYES-MOTION CARRIED

New Business:

Regarding structure size allowed in Limited Commercial, from Cohocton Rd. to the Corfu Village line: suggestion to change from 5000 sq. ft. to 10,000 sq. ft., in order to accommodate the Dollar General. Chairman Schneider discussed at the Town Board meeting.

On **MOTION** made by Mr. Knupfer and seconded by Mr. Kutter to **recommend omitting the Sentence in Zoning Law limiting structures to 5000 sq. feet in LC District between Cohocton Rd. and Corfu Village line.**

Voice Vote: ALL AYES—MOTION CARRIED.

Because of the Thanksgiving holiday, the November Planning Board Meeting will be held on Monday, November 23.

Old Business:

The Town Board gave a blanket approval to any board member who would like to attend the training at the Clarion on November 13. They just need to let Nicole know so she can send in registrations.

Yancey’s Fancy new manufacturing facility is up and running. They weren’t happy with the contractor for that building, so will get a new one to finish the offices next year.

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

ALL AYES—MOTION CARRIED

Meeting Closed at 9:00pm.
Respectfully Submitted,
Diane M. Denton,
Acting Recording Secretary
Thomas Schneider Chairman

These minutes were approved by the Town of Pembroke Planning Board November 23, 2015