



**THE TOWN OF PEMBROKE  
PLANNING BOARD  
1145 Main Rd., Pembroke, NY 14036  
Minutes for the regular meeting held on November 23, 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 October 28, 2015 Planning Board Meeting was made by Mr. Kutter; second to motion was made by Ms. Vaughn.

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

**Public Hearing**  
**Site Plan/Dollar General/CSS Construction**  
9181 Allegheny Rd., Town of Pembroke  
Tax Map #23.-1-11.1; Zoning District: AG/RES with LC  
*Required referral to Genesee County*

**PUBLIC HEARING** was opened at 7:30pm. The Notice of Public Hearing ran in the Batavia Daily News November 11, 2015, was posted on the Town’s Bulletin Board, and letters were sent to adjoining property owners within 500 feet.

- David Pawlik from CSS Construction and Lowell Dewey from C & S Engineering were present to represent the Dollar General.
- Chairman Schneider read from one letter received from the Cummings at 9180 Allegheny Rd. expressing their concern for water contamination and drainage.
- Chairman Schneider explained how property such as 9181 Allegheny Rd. which is in the County AG district and overlays the town’s zoning districting, receives a property tax rebate that excludes it from lateral hook up to water and sewage. The town attorney thought that if the penalty fee was paid, they could hook up, and the Dollar General’s attorney agreed. Chairman Schneider said he would proceed as if that would be the case.
- Mr. Pawlik said that, in any case, they were going to put in a septic.

- Chairman Schneider explained the Zoning Board of Appeals determination based on the building being moved back, so it was 30% in the AG/RES districting that allows for buildings up to 10,000 sq. ft., significantly reducing the amount of variance needed.
- Mr. Pawlik confirmed that they have executed an agreement with Duane Schmigel, the seller of the property, to purchase a further 75 ft., so that 30% of the building will be in the AG/RES District and they will still meet the setback variance.
- Chairman Schneider noted that in October the Planning Board voted to recommend a text change to allow a building up to 10,000 sq. ft. in Limited Commercial. It will be submitted to County and the Town Board, so, if it goes through within a month or two, it may make the need to move the building back unnecessary.
- Chairman Schneider's concern was that if the text changes go through and they went back to the original site plan, the referral would have to go back to County, because they made their recommendation based on the revised site plan.
- Mr. Pawlik explained that he has an executed lease with Dollar General, which allows him a certain amount of time to get the store built: beginning construction by the end of March/1<sup>st</sup> week of April and completing the construction so the store is operational 18 weeks after that. It is critical for him to meet that schedule. His issue is that with the clock ticking, if he didn't have a resolution, he would be sitting in a due diligence quagmire. What was resolved with the Zoning Board of Appeals was critical. If CSS is successful with the Planning Board, he can at least go back to Dollar General to let them know he is in the process of completing his due diligence. He doesn't need to get a building permit until the end of March/beginning of April. If the text changes are adopted, they could come back for an amendment and go back to the original site plan.
- Mr. Kutter didn't think it would need to go back to County. The only thing he thought could happen was that some disgruntled resident might file an article 78 because the board didn't do it right. He didn't think this would happen as many are looking forward to having a Dollar General in the town.
- Lowell Dewey explained how all the run-off of water would go into bio-retention, with filter materials and plants that break it down; then detention with a pond and oversized pipes. None would go over the street. Currently, the property doesn't have a drainage ditch, but they are changing that, which the DOT would have to approve. This would apply to either plan. Water use would be less than 100 gallons per day. They will apply to the Health Department for the septic.
- The Zoning Board of Appeals felt the parking space number and size was not something they should address, as Zoning Law allows it to be at the Planning Board's discretion.
- Section 503 in Zoning Law allows for 10' x 20' spaces. Chairman Schneider determined that, according to the measuring criteria, there should be 37. The Dollar Store site plan shows 33 spaces that are 9' x 20'.
- The driveway is far enough south from the crest of the hill to meet standards for safe stopping distances. Mr. Pawlik said they would check this again with the DOT. Mr. Kuras wondered if the driveway could be moved to the other side and further from the hill. Mr. Dewey said that the grade is too steep on that side, but they could move it a few feet south if the DOT wanted them to.
- Mr. Kutter said that the driveway issue is up to the DOT.
- The sign will be by the driveway.

**Public Present:** Applicants only

**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 7:55pm**

### **Discussion:**

- Mr. Kuras had some further concerns about the parking—whether there would be enough spaces—that were addressed. Parking would be at the front and side of the store. There will be two handicapped spaces. There is a lot of space on the south driveway, so that if someone parks parallel, it will not be blocked. The loading dock will be ground level; the trucks will have elevators for unloading. There will be plenty of snow storage space and a 36 ft. back-up and maneuvering area for delivery trucks.
- A long form SEQR was completed, because the property is in the State AG district.

On **MOTION** made by Mr. Kutter and seconded by Ms. Vaughn 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 Ms. Rindell and seconded by Mr. Kutter **to approve the revised site plan**, including the number and size of parking spaces, as shown; pending DOT approval of curb cut, with the stipulation that lighting be directed down, shielded and off-store, except for security lighting.

**If the text change gets approved in time, CSS Construction can come back to the Planning Board to amend this approval back to the original site plan.**

**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**

**New Business:** Laurie Snyder will get a proper drawing to go before the ZBA and Planning Board in December.

**Old Business:** None

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

**ALL AYES—MOTION CARRIED**

Meeting Closed at 8:15pm.  
Respectfully Submitted,  
Diane M. Denton,  
Acting Recording Secretary  
Thomas Schneider Chairman

*These minutes were approved by the Town of Pembroke Planning Board December 30, 2015.*