



**THE TOWN OF PEMBROKE
PLANNING BOARD
1145 Main Rd., Pembroke, NY 14036
Minutes for the regular meeting held on April 27, 2016**

ATTENDANCE:

- Chairman—Thomas Schneider
- Vice Chairman—David Knupfer
- Mike Bakos
- Linda Rindell
- Richard Kutter
- Marie Vaughn
- Greg Kuras
- Cheyanne Seelau - Alternate
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 March 30, 2016 made by Mr. Knupfer; second to motion was made by Ms. Vaughn.

Voice Vote: ALL AYES—MOTION CARRIED.

New alternate board member, Cheyanne Seelau, was introduced to Mr. Kutter and Ms. Rindell who were in Florida and missed the last meeting.

**Public Hearing
Special Use Permit**

Larry Diver

2058 Phelps Rd., Town of Pembroke

Tax Maps # 12.-1-23

Zoning District: AG/RES

PUBLIC HEARING was opened at 7:30pm. The Notice of Public Hearing ran in the Batavia Daily News April 12, 2016, was posted on the Town’s Bulletin Board, and letters were sent to adjoining property owners within 500 feet.

- Mr. Diver was present. He wishes to install a pond for private use.

- County recommended approval, stating that the proposed pond meets the provisions of the Town of Pembroke zoning regulations, including the property line setbacks and documentation from the Genesee County Soil and Water Conservation District Office. It is in keeping with the rural character of the area and should pose no significant county-wide or inter-community impact.
- One letter was received from Jeff and Marion McGiveron stating they approved of Mr. Diver's request to install a pond.
- The board thought it was straightforward and hadn't any objections.

Public Present: Applicant only

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

Voice Vote: All Ayes—motion passed.

The Public Hearing Closed at 7:40pm

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; 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 Special Use Permit** based on County's recommendation.

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

Discussion: Regarding Nate and Heather Klozbach's inquiry at the last meeting regarding a car repair shop on their property: they went to the Town Board to request the Zoning language be changed to allow a car repair shop in Agricultural/Residential off the arterial highway. The Town Board sent the issue back to the Planning Board. The initial thought was that it could be a skilled trade shop, although that is not a listed use for a one man operation. Chairman Schneider looked into the NYS motor vehicle repair shop regulations and found they don't distinguish between a one man operation or anything else—if someone is working on a car they need to be registered as a motor vehicle repair shop. The Town lawyer, Mark Boyan, didn't think it was a good idea and the Planning Board agreed. Mr. Knupfer said his problem with it was that if the board said "yes", it would set a precedence. Mr. Kutter said that he would be alright with it on the arterial highway, but not in the location the Klotzbach's were proposing. Chairman Schneider said that if granted, it would have to be severely limited. Ms. Rindell noted that allowing it would open up a whole mess. Chairman Schneider said the board has done due diligence in considering and discussing the Klotzbach's request.

RESOLUTION

On **MOTION** of Mr. Kutter, seconded by Ms. Rindell, a **RESOLUTION** was put forward to recommend maintaining the existing Zoning Codes pertaining to Motor Vehicle Repair.

ROLL CALL VOTE Mr. Bakos-Aye; Ms. Rindell-Aye; Mr. Kutter-Aye; Mr. Knupfer-Aye; Ms. Vaughn-Aye; Mr. Kuras-Nay; Mr. Schneider-Aye
6 AYES, 1NAY—RESOLUTION APPROVED

Complaint received from neighbors of RC Pulsars regarding crashes and noise. The lawsuit is still going on. RC Pulsars are covering the legal fees for the Miles. According to Sandy Miles, the RC Pulsars have been abiding by the time restrictions and are only flying simple electric planes. A few of the club members have passed away this year, so there hasn't been as much activity. Chairman Schneider felt that this was a civil matter and the Planning Board had done its due diligence with the matter. It was up to the Charlie Reid and the Town to respond to the complaint.

New Business: None

Old Business: Mr. Kutter inquired where the Dollar General project stood. Chairman Schneider explained that they had to move the driveway. He wondered if they needed to come back before the Planning Board with that change. The board didn't think it was necessary. They contacted Steve Stocking for putting in septic and are exempt from the water restriction. Construction should begin soon.

A MOTION to adjourn the meeting was made by Chairman Schneider, and seconded by Ms. Vaughn.
ALL AYES—MOTION CARRIED

Meeting Closed at 8:05 pm.
Respectfully Submitted,
Diane M. Denton,
Acting Recording Secretary
Thomas Schneider Chairman

Approved by the Town of Pembroke Planning Board July 27, 2016