



**THE TOWN OF PEMBROKE
PLANNING BOARD
1145 Main Rd., Pembroke, NY 14036
Minutes for the regular meeting held on April 26, 2017**

ATTENDANCE:

- Thomas Schneider—Chairman
- David Knupfer—Vice Chairman
- Linda Rindell
- Richard Kutter
- Marie Vaughn
- Greg Kuras
- Jim Uebelhoer—Alternate
- 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”.

Alternate, Jim Uebelhoer, sat in for Mike Bakos

A MOTION TO APPROVE the corrected Minutes from March 29, 2017 made by Ms. Vaughn;
Second to motion was made by Mr. Uebelhoer.
Voice Vote: ALL AYES—MOTION CARRIED.

Land Separation

David Masters

8910 Lake Rd., Town of Pembroke

Tax Map # 18.-1-63

Zoning District: AG/RES

- Applicant wishes to separate approximately 2 acres from TM #18.-1-63: the house plus one acre.
- The board felt it was pretty straightforward. Mr. Masters has had survey done, but still has to get Mylar.

On **MOTION** made by Mr. Kutter and seconded by Mr. Knupfer to make a **negative Declaration**

on the SEQR short form.

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

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

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

Land Separation and Merger

Frank Pfalzer

Main Rd., Town of Pembroke

Tax Map # 19.-1-2.115

Zoning District: AG/RES & Commercial

- Application for land separation of 200 ft. x 884 ft. from TM #19.-1-2.115 on Main Rd./RT 5 to be merged with TM #19.-1-5 on Lovers Lane Rd. so as to avoid creating a land locked parcel.
- Mr. Kutter asked if there were any wetlands. Mr. Pfalzer said there is about one acre of wetlands.
- The Tree Doctor from Clarence is going to purchase and put up building on the remaining section on Rt. 5, which is zoned Commercial.
- Mr. Pfalzer has to have survey done.

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

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

On **MOTION** made by Mr. Schneider and seconded by Ms. Rindell **to approve the Land Separation and Merger as presented.**

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

Public Hearing
Eric Von Kramer
Special Use Permit & Site Plan Review
2404 Pratt Rd., Town of Pembroke
Tax Map # 17.-1-40.1
Zoning District: AG/RES
Required Referral to Genesee County

PUBLIC HEARING was opened at 7:50pm. The Notice of Public Hearing ran in the Batavia Daily News April 13, 2017, was posted on the Town’s Bulletin Board, and letters were sent to adjoining property owners within 500 feet.

- Mr. Von Kramer was not present. He bought property on the corner of Killian Rd. and Pratt Rd., which already has a Special Use Permit for motor vehicle sales. He has a motor vehicle sales license, which he doesn’t want to give up. Chairman Schneider told him to put his sign up at the Killian and Pratt location.
- Mr. Kuras said he cannot have signs in one location with a display area in another. If he has a retail license he has to have a display area. Mr. Uebelhoer wondered if this was the case even if all his cars were in the pole building. Mr. Kuras said, in that case, everything in pole building would have to be for sale.
- A display area would have to have vehicles that are on record for sale and be in the same location as office is.
- Chairman Schneider and board felt Mr. Von Kramer needed to provide a better site plan, showing where the display area would be.
- A couple of letters were received from neighbors who have no problem with the application.
- County approved a Special Use Permit and the Site Plan Review for motor vehicle sales as a home occupation at an existing single-family home with the following modifications per section 512 of the Town’s Zoning Law: 1) No outdoor display of vehicles shall be permitted, 2) any signage shall be limited to the maximum of two signs at six sq. ft. each, and 3) no motor vehicle repair shall be permitted on premises.
- Chairman Schneider said the application was put through as “broker” to limit repairs. He had informed Mr. Von Kramer that, without him being present, if the board had questions it might decide to postpone its decision and leave the Public Hearing open.

Public Present: Yes

Motion to Leave Public Hearing Open made by Mr. Knupfer and seconded by Mr. Kutter.
Voice Vote: ALL AYES—**MOTION CARRIED.**

Old Business: Tim Hortons: they submitted building permit set. Charlie and Tom have reviewed it Per State enforcement check list and are ready to issue building permit pending DOT permit. It is not certain if the sale of the property to Tim Hortons has been finalized yet.

New Business: Ms. Rindell had question about the clearing at corner of Rt. 5 and Indian Falls Rd.

where there are designated wetlands, wondering whether they had DEC approval.

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

Meeting Closed at 8:30 pm.

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

These minutes were approved by the Town of Pembroke Planning Board May 31, 2017