



**THE TOWN OF PEMBROKE  
PLANNING BOARD**  
**1145 Main Rd., Pembroke, NY 14036**  
Minutes for the regular meeting held on June 28, 2017

**ATTENDANCE:**

- Thomas Schneider—Chairman
- Michael Bakos
- Richard Kutter
- Greg Kuras
- Jim Uebelhoer—alternate
- Diane Denton—Acting Recording Secretary

**PUBLIC PRESENT: Yes**

MEETING called to order at 7:30pm.  
Chairman Schneider led the “Pledge of Allegiance”.

**For the record: Jim Uebelhoer sat in for David Knupfer who was absent and co-ran the meeting with current Chairman Thomas Schneider**

**A MOTION TO APPROVE the Minutes from May 31, 2017** was made by Mr. Uebelhoer;  
Second to motion was made by Mr. Schneider.  
**Voice Vote: ALL AYES—MOTION CARRIED.**

**Public Hearing**  
**The Tree Doctor/Jeffrey Phelps**  
**Special Use Permit & Site Plan Review**  
Main Rd., Town of Pembroke  
Tax Map # 19.-1-2.115  
Zoning District: Commercial  
*Required Referral to Genesee County*

**PUBLIC HEARING** was opened at 7:31pm. The Notice of Public Hearing ran in the Batavia Daily News June 7, 2017, was posted on the Town’s Bulletin Board, and letters were sent to adjoining property owners within 500 feet.

- Mr. Phelps, owner of The Tree Doctor, was present. His business has outgrown the location on Shisler Rd. in Clarence where it has been for twenty years.
- He is looking to construct a garage with storage and a two-story office on TM# 19.-1-2.115, with the intention of moving the entire business to this new location.

- The Tree Doctor does arboriculture, injections, control of invasive species and wetlands. It does work for National Grid, National Fuel, and National Parks such as the Montezuma National Wildlife Refuge, going as far afield as Albany.
- The business employs 18-23 and most of his employees are Genesee County residents.
- Mr. Kuras noted that from what he's seen of the business in Clarence, it's very professional looking.
- One of the residents present wondered how big the business would be at the Main Rd. location. The site plan was shown to them.
- Tractor-Trailers, sometimes over 40 ft. long, would be used for deliveries.
- Mr. Bakos asked about outside storage. Mr. Phelps said he hoped he wouldn't have to store equipment outside. Otherwise, there would be basic chip and wood piles, kept at a minimum that would be cleaned out a few times a year. He offers the wood to the public for free.
- A member of the public wondered about the storage of chemicals. Mr. Phelps said they would be kept in a separate building away from the main building on a concrete floor, following 90% of OSHA's suggestions. OSHA is invited to their shop on a regular basis.
- Mr. Phelps said the footprint of the business would be about 2 ½ acres of the parcel.
- Business hours are typically from about 7am to 4:30pm, no Saturdays or Sundays.
- County recommended approval with modifications, wondering about storm water prevention plan and mentioning possible threatened/endangered species on property.
- A SHPO letter was provided and Mr. Phelps gave Mr. Schneider a letter from the DEC.
- Heather from the Army Corp of Engineers said that if Mr. Phelps didn't hear further from the DEC, she doesn't see any problem.
- Mr. Schneider had a visit from a neighbor across the road from the property in question, who was ok with the proposal.
- Security lighting needs to be pointed down. As far as signage, Mr. Phelps said it would probably be at the front of the hedgerow at the top of driveway.

**Public Present:** Yes

**Motion to Close the Public Hearing @ 7:50pm** made by Mr. Kutter and seconded by Mr. Uebelhoer.

**ROLL CALL VOTE:** Mr. Bakos-Aye; Mr. Kutter-Aye; Mr. Schneider-Aye; Mr. Uebelhoer-Aye; Mr. Kuras-Aye

**ALL AYES-MOTION CARRIED**

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. Kutter-Aye; Mr. Schneider-Aye; Mr. Uebelhoer-Aye; Mr. Kuras-Aye; Mr. Bakos-Aye

**ALL AYES-MOTION CARRIED**

On **MOTION** made by Mr. Schneider and seconded by Mr. Uebelhoer **to approve the Site Plan as presented and grant the Special Use Permit for a Contractor's Yard with the following modifications recommended by County:**

- **DOT and DEC Approval**
- **Lighting be unobtrusive to neighboring properties**
- **Signage meets Zoning requirement (if more is needed, will have to get a variance)**

**ROLL CALL VOTE:** Mr. Schneider-Aye; Mr. Uebelhoer-Aye; Mr. Kuras-Aye; Mr. Bakos-Aye; Mr. Kutter-Aye

**ALL AYES-MOTION CARRIED**

## **Land Separation and Merger**

**Joe Joyce**

Main Rd., Town of Pembroke

Tax Map # 17.-1-93

Zoning District: AG/RES and LC

- While house on TM# 17.-1-88 was in the process of being sold, it was discovered leach lines were on Mr. Joyce's property, TM# 17.-1-93. Mr. Joyce would like to separate 100' x 80' from his parcel to be merged with TM# 17.-1-88.
- There would be no frontage change.
- Board saw this separation and merger as correcting a problem.

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. Uebelhoer-Aye; Mr. Kuras-Aye; Mr. Bakos-Aye; Mr. Kutter-Aye; Mr. Schneider-Aye

**ALL AYES-MOTION CARRIED**

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

- **The properties must be merged, so as not to create a land locked parcel.**

**ROLL CALL VOTE:** Mr. Bakos-Aye; Mr. Kutter-Aye; Mr. Schneider-Aye; Mr. Uebelhoer-Aye; Mr. Kuras-Aye

**ALL AYES-MOTION CARRIED**

### **Old Business:**

Mr. Kuras brought up a couple of automobile accidents that had recently happened in the town, one at the Dollar General, the other at the intersection of Indian Falls Rd. and RT. 5. Mr. Kuras felt the cause of the one at the Dollar General was the placement of the driveway off of Rt. 77, and the one on Indian Falls Rd. and Main Rd. was the fault of the driveway of the Consignment shop off of Rt. 5. Mr. Kutter noted the Planning Board doesn't have jurisdiction over curb-cuts. Mr. Schneider said he would ask the Consignment shop to put a no parking sign and to have its customers enter and exit onto Indian Falls Rd. instead of RT. 5. He suggested that Mr. Kuras fill out a complaint form.

**New Business:** None.

**A MOTION** to adjourn the meeting was made by Mr. Kutter, and seconded by Mr. Bakos.  
**ALL AYES—MOTION CARRIED**

Meeting Closed at 8:25 pm.

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

*These minutes were approved by the Town of Pembroke Planning Board July 26, 2017*