



## THE TOWN OF PEMBROKE PLANNING BOARD

1145 Main Rd., Pembroke, NY 14036

Minutes for the regular meeting held on July 26, 2017

### ATTENDANCE:

- Thomas Schneider—Chairman
- David Knupfer—Vice Chairman
- Michael Bakos
- Richard Kutter
- Marie Vaughn
- 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 Cheyanne Seelau who was absent, and co-ran the meeting with current Chairman Thomas Schneider**

**One correction was made to the minutes under “Old Business” to remove “The DOT approved both these driveways.”**

**MOTION TO APPROVE the Minutes from June 28, 2017 as corrected** was made by Mr. Kutter; Second to motion was made by Mr. Schneider.  
**Voice Vote: ALL AYES—MOTION CARRIED.**

### **Public Hearing**

**Yancey’s Fancy**

**Site Plan Review**

857 Main Rd., Town of Pembroke

Tax Map # 14.-1-24.21

Zoning District: Interchange

*Required Referral to Genesee County*

**PUBLIC HEARING** was opened at 7:35pm. The Notice of Public Hearing ran in the Batavia Daily News July 14, 2017, was posted on the Town’s Bulletin Board, and letters were sent to adjoining property owners within 500 feet.

- Yancey's are adding three additions to their existing 857 Main Rd. location: a truck bay on west side; employee facilities to replace the existing trailers used for staff and vat room to go where existing trailers are on east side. Although they may not be doing all the additions right away, Mr. Schneider suggested they get approvals out of the way.
- The ZBA approved an eleven ft. front yard variance for the vat room (the rest of the building is already non-compliant, but Mr. Schneider thought it was best they got a variance for new construction).
- Yancey's will be putting in a new driveway, so trucks won't have to back in. Instead they will drive in and around the building to pull out onto Rt.5, which should alleviate traffic issues and make the site and road safer.
- County recommended approval.
- None of the proposed constructions would encroach on wetlands. There is the potential tree habitat for a specific species of bat generally in the area. Yancey's proposal won't affect any of those trees.
- There shouldn't be any neighbor issues. Yancey's owns the house to the east and Joan Miner, who owns parcel to the west, hasn't any objections.

**Public Present:** No

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

**Voice Vote:**

**ALL AYES-MOTION CARRIED**

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

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

**ALL AYES-MOTION CARRIED**

On **MOTION** made by Mr. Kutter and seconded by Mr. Knupfer **to approve the Site Plan as presented.**

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

**ALL AYES-MOTION CARRIED**

**Old Business:**

Mr. Kuras brought up the issue of the racetrack at 2095 Indian Falls Rd., TM# 12.-1-51 near North Pembroke Rd. Mr. Schneider spoke to the Town attorney who said that unless proof is supplied showing the track is being run for profit the matter can only be addressed as a private nuisance. There is no noise ordinance in the Town. Mr. Kuras has photos proving people are coming from out of-state to use the track. Google Earth shows the track to be about a mile. Mr.

Kuras felt a professional track shouldn't be created without approval. Mr. Schneider sent a letter to the owner who replied saying the track was used by family and friends only. If there is any proof to the contrary, it needs to be supplied to the Zoning Department.

Mr. Uebelhoer wondered if anything was being done to clean up property at Lake Rd. and Rt. 5.

**New Business:**

Tom Schneider is stepping down as chairman of the Planning Board, so he can work in the Zoning Department without any conflict of interest. Board needs to nominate a replacement. Mr. Schneider abstained from that nomination process. Jim Uebelhoer is willing to be chairman, which would leave Linda Rindell as the only alternate. Ms. Rindell is in Florida January to April, so board should consider appointing another alternate.

**Motion made to nominate Jim Uebelhoer as new Planning Board Chairman.**

**Voice Vote:**

**ALL AYES-MOTION CARRIED**

**More New Business:**

Mr. Kuras had information about a new business on 8460 Indian Falls Rd., on the corner of Pratt Rd. They have a special use permit to make canes and walking sticks for shows, but not for retail. The owner has put an ad in the paper and a sign up announcing a grand opening. Mr. Kuras said that recently there was a "nightmare with parking there". Mr. Bakos noted that might have been due to a garage sale and suggested the Special Use Permit be looked at to see what it allows. Retail sales are not permitted in a Home Occupation. Mr. Schneider said he would check.

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

**ALL AYES—MOTION CARRIED**

Meeting Closed at 8:22pm.

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

*These were approved by the Town of Pembroke Planning Board September 27, 2017*