



THE TOWN OF PEMBROKE PLANNING BOARD

1145 Main Rd., Pembroke, NY 14036

Minutes for the regular meeting held on January 31, 2018

ATTENDANCE:

- Jim Uebelhoer — Chairman
- David Knupfer — Vice Chairman
- Michael Bakos
- Cheyanne Seelau
- Philip Conti
- Greg Kuras

PUBLIC PRESENT: Yes

MEETING called to order at 7:30pm.

Chairman Uebelhoer led the “Pledge of Allegiance”.

MOTION TO APPROVE the Minutes from December 27, 2017 made by Mr. Knupfer; Second to motion was made by Mr. Uebelhoer.

Voice Vote: ALL AYES—MOTION CARRIED.

Public Hearing

Special Use Permit and Site Plan Review

Tiny House Rental/Heather Adams

9026 Lake Rd., Town of Pembroke

Tax Map# 18.-1-74

Zoning District: AG/RES

Required Referral to Genesee County

PUBLIC HEARING was opened at 7:31pm. The Notice of Public Hearing ran in the Batavia Daily News January 18, 2018, was posted on the Town’s Bulletin Board, and letters were sent to adjoining property owners within 500 feet.

- Ms. Adams is requesting a Temporary Special Use Permit to rent a Tiny House on her property on a seasonal basis (May 18 – November 18, 2018).
- County approved. Chairman Uebelhoer read County’s determination out loud, which included the following explanation and recommendation: The proposed temporary seasonal dwelling should pose no significant county-wide or inter-community impact. It is recommended that the applicant submits the application for 911 Address Verification to the Genesee County Sheriff’s Office to ensure that an address is given to the proposed residence that meets Enhanced 911 standards.
- Chairman Uebelhoer read from the two letters that were received from neighbors: one an outright approval, the other with a question of whether it was an existing structure or would have to be built.

- Mr. Kuras felt the Tiny House should meet the Zoning requirement for the minimum of square footage, which is 720 ft.
- Tom Schneider said, regardless that it was called a Tiny House, Zoning looked at it as a camper/trailer—the best fit in the current Zoning Law. It is intricately and irrevocably attached to a platform on wheels but doesn't have a motor and is registered as a "travel trailer" with the DMV.
- Trailers are allowed on a property temporarily (i.e. to live in while a house is being built).
- Mr. Knupfer wondered what Ms. Adams' plan was once the Temporary Special Use Permit expired. She said she might apply for another one next year.
- Chairman Uebelhoer mentioned that initially she had expressed her intention to move it to the Adirondacks after the 2018 summer season. Ms. Adams said that was just an idea and that she would not be able to pay off the Tiny House after renting it for six months. She does hope to eventually move it to the Adirondacks.
- Chairman Uebelhoer had some questions concerning the sewer/toilet for the Tiny House. Ms. Adams explained there is a self-contained, compost toilet, so there is no need for sewage. Water comes from the main house using a human-grade RV hose (not a garden hose). Regarding waste water, Ms. Adams said she talked to the Genesee County Health Department a couple of years previously, and it was ok for water from the sink to go to water plants and trees.
- Mr. Kuras was concerned that allowing her to rent out the Tiny House, even temporarily, would set a precedence for others wanting to do something similar, so what's temporary for Ms. Adams wouldn't be so for the Town.
- Mr. Conti brought up the article in the Batavia Daily calling the Tiny House a bed and breakfast, which would be bringing up health issues, etc. Admitting she probably shouldn't have called it that, Ms. Adams said the Tiny House had a kitchen for renters to cook their own food. She wouldn't be providing food.
- Mr. Knupfer wanted Ms. Adams to explain in her own words what her plan/goal for the Tiny House was. She said it would go up tryittiny.com. People can rent it for a few nights: i.e. to go to Darien Lake or just to see what a Tiny House is like. Potentially, if renting it for the 2018 summer season goes well, she would apply for another Temporary Special Use Permit for 2019.
- Mr. Uebelhoer brought up another issue: Ms. Adams already has a special use permit for her dog training business. Town law doesn't allow for two Special Use Permits on one property. Tom Schneider said he had discussed it with County Planning and they agreed that a Temporary Special Use Permit could be allowed with a permanent one.
- Mr. Uebelhoer's and others' concern was that this would be revisited every year. Tom Schneider thought it was the only way to handle it; the Town couldn't make her move it, because it's on wheels. Eventually, regulations are coming down from the State regarding Tiny Houses. As it is now, it is basically an accessory structure on her property, which is allowed. What's up for discussion is whether it can be rented for profit and how to do that. In Ms. Adams' defense, she has always gone through the proper channels for what she wants to do.
- Mr. Uebelhoer had a few questions on Ms. Adams' answers on the SEQR application, such as regarding it meeting Zoning regulations and using the public water supply. Ms. Adams said she called the Health Department and was told she didn't need a permit. She explained how the toilet waste is composted inside the toilet, sealed in a bag and disposed of in the regular garbage, much as dog or cat waste would be.
- Mr. Uebelhoer wondered about her (and the Town's) liability for anyone who swims in the pond on her property. Ms. Adams said she has insurance to cover and a legal waiver for renters

to sign, so any swimming in the pond was at their own risk. Mr. Uebelhoer would like the Town to have a copy.

- Mr. Uebelhoer also questioned her need to rent into November. Ms. Adams thought it was unlikely she would be renting into November, but sometimes there is warm weather in October. Once it is freezing at night, she would not want to rent it. It was thought to make the time duration for renting from May 15th until October 31st.
- Mr. Conti wanted to be assured that if she was allowed one Tiny House, she wouldn't want to bring in more.

Public Present: Yes. There were no public comments.

Motion to Close the Public Hearing @ 7:52pm made by Mr. Uebelhoer and seconded by Mr. Knupfer.

Voice Vote:

ALL AYES-MOTION CARRIED

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

ROLL CALL VOTE: Mr. Bakos-Aye; Ms. Seelau-Aye; Mr. Uebelhoer-Aye; Mr. Knupfer-Aye; Mr. Conti-Aye; Mr. Kuras-Nay
Five (5) AYES; One (1) Nay—**MOTION CARRIED**

On **MOTION** made by Mr. Knupfer and seconded by Mr. Uebelhoer **to approve the Temporary Special Use Permit and Site plan for renting a Tiny House as a vacation rental with the following stipulations:**

- Operate from 5/15/18 – 10/31/18 only
- Copy of Insurance given to Town
- Town to inspect
- Address submitted that meets Enhanced 911 standards

ROLL CALL VOTE: Ms. Seelau-Aye; Mr. Uebelhoer-Aye; Mr. Knupfer-Aye; Mr. Conti-Aye; Mr. Kuras-Nay; Mr. Bakos-Aye;
Five (5) AYES; One (1) Nay—**MOTION CARRIED**

Public Hearing

Special Use Permit and Site Plan Review

Skilled Trade Shop/Dale Adamski

2186 Cleveland Rd., Town of Pembroke

Tax Map# 22.-1-22.12

Zoning District: AG/RES

On Town road, so didn't require referral to County

PUBLIC HEARING was opened at 7:59pm. The Notice of Public Hearing ran in the Batavia Daily News January 23, 2018, was posted on the Town's Bulletin Board, and letters were sent to adjoining property owners within 500 feet.

- Mr. Adamski is requesting a Special Use Permit to operate a Skilled Trade Shop as a Tool and Die Machine shop. He is going to put up a new building; no plan was presented. He had a permit previously until 2012/2013 when he got another job. Now he has lost his job, he would like to start up again. He plans on employing two others.
- Addressing Mr. Conti's concerns, Mr. Adamski said there would be water and toilets in the building. Water will be connected to the house, sewage would be separate.
- Mr. Bakos wondered about disposal of any chemicals he used. Mr. Adamski said he would take care of them according to DEC regulations.
- He is about 500 ft. off the road and it is very private where building would go up and business would operate.
- One letter from a neighbor expressed concern about whether there would be an increase in traffic and how the business would impact the creek.
- Mr. Adamski said it would not be a place people would come to, that he would ship out. There would be tractor-trailers delivering. Mr. Uebelhoer noted that there is enough room for a tractor-trailer to turn around on property, so as not to impact Cleveland Rd.
- Mr. Adamski plans on putting up a 40 ft. x 60 ft. self-contained steel building.
- The board wanted to see some plan before considering. Tom Schneider provided pictures of the site. The building would go up to the right and behind the house. Turn around for vehicles would be extended back to the building.
- Mr. Adamski has been in contact with the DEC: the proposed site for the building isn't anywhere near wetland.

Public Present: Yes. There were no public comments.

Motion to Close the Public Hearing @ 8:10pm made by Mr. Bakos and seconded by Mr. Uebelhoer.

Voice Vote:

ALL AYES-MOTION CARRIED

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

ROLL CALL VOTE: Mr. Uebelhoer-Aye; Mr. Knupfer-Aye; Mr. Conti-Aye; Mr. Kuras-Aye; Mr. Bakos-Aye; Ms. Seelau-Aye

ALL AYES—MOTION CARRIED

On **MOTION** made by Mr. Kuras and seconded by Mr. Uebelhoer **to approve the Special Use Permit and Site plan as presented.**

ROLL CALL VOTE: Mr. Knupfer-Aye; Mr. Conti-Aye; Mr. Kuras-Aye; Mr. Bakos-Aye; Ms. Seelau-Aye; Mr. Uebelhoer-Aye

ALL AYES—MOTION CARRIED

Discussion/Preliminary Special Use Permit and Site Plan Review Wind Turbine/Padma Kasthuriangan/Buffalo Renewables

8493 Allegheny Rd., Town of Pembroke
Tax Map# 15.-1-22.1
Zoning District: Interchange

- Buffalo Renewables have applied to construct a 100kW wind turbine to produce electricity for Maday Corporation DBA as Darien Lakes Econo Lodge.
- Was originally referred to County for February, but a text change is necessary to include Interchange District in allowing non-commercial wind turbines in Town. Tom Schneider said leaving it out was an oversight. It will now be referred to County, along with the text change, for March. The Town Board will probably vote on the text change at their next workshop meeting on February 27th.
- Padma, representing Buffalo Renewables, said they have a tight window and need to get going on this. She said that County had told her that if the Town of Pembroke Planning Board was willing to do a conditional recommendation, then they can hear both the text change and wind turbine application together.
- Setbacks for the turbine are the same as for Schedule A. Mr. Conti wondered about the potential of it falling. Tom Schneider said that a fall zone for turbines wasn't adopted by the Town. The adjacent property is owned by the same person.
- There won't be any lighting on the turbine. Padma said they did a FAA study and a light is not allowed unless there is an airport, which there isn't.
- Planning Board was open to making a recommendation to allow wind turbines in Interchange district, so it can go to the Town Board and County, and a Public Hearing can be held at the Planning Board's February 28th meeting.

Land Separation and Merger

Paul Young

8225 N. Pembroke Rd., Town of Pembroke
Tax Map# 13.-1-30.11
Zoning District: AG/RES

- Mr. Kuras abstained from participating and voting, as he is Mr. Young's neighbor.
- Mr. Young wishes to separate home on an approximately 240 ft. x 400 ft. lot from rest of parcel.
- The parcel with house would have 246 ft. frontage.
- Mr. Young said that he would eventually want to build a house on separated vacant parcel.

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

ROLL CALL VOTE: Mr. Conti-Aye; Mr. Kuras-abstained; Mr. Bakos-Aye; Ms. Seelau-Aye; Mr. Uebelhoer-Aye; Mr. Knupfer-Aye
Five (5) AYES, One (1) Abstention—**MOTION CARRIED**

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

ROLL CALL VOTE: Mr. Kuras-abstained; Mr. Bakos-Aye; Ms. Seelau-Aye; Mr. Uebelhoer-Aye; Mr. Knupfer-Aye; Mr. Conti-Aye
Five (5) AYES, One (1) Abstention—**MOTION CARRIED**

**Discussion/Preliminary
Special Use Permit
Food Trailer/Chris Penner**
487 Main Rd., Town of Pembroke
Tax Map# 14.-1-69
Zoning District: Medium Density Residential

- The Food Trailer requires a 10 ft. x 20 ft. spot, would be 100% inspected by Genesee County, has fire system, and would be inspected yearly by the Fire Marshall. The Penners have some vacant property where they would like to set the trailer off to the left on some nice stone, put out some umbrellas, flags, and garbage receptacles. They could have one portable toilet. Everything is contained within the trailer; nothing would be cooked outside. They would offer hotdogs, hamburgers, shrimp in the basket, beef on wick, etc.
- Operation would be mid-May to mid-October, weather permitting, and on some weekends when they aren't at a car show.
- Medium Density doesn't allow a restaurant, but this would be more of a Temporary Special Use Permit. The board could put on stipulations regarding parking.
- Mr. Kuras said he would like to see something from County in terms of what designates a restaurant, food truck, food stand, etc.
- There is an existing driveway. Frontage is 207 ft. and the truck would be far back from the road. They can make ample room for parking and for cars to turn around. There would be no parking on road. They would only require a temporary sign when the trailer is open for business.
- Tom Schneider gave the board photos of the property.

Zoning Law Changes

On **MOTION** made by Mr. Knupfer and seconded by Mr. Kuras **to make the following Zoning Law change and addition:**

Update SECTION 514, B, 3.

“No more than *two* (2) nonresident persons shall be employed in a Skilled Trade Shop

Update SECTION 521, C, 1.

“Location – A Non-Commercial Wind Energy System may only be located in areas that are zoned Agricultural (AG), Agricultural-Residential (AG-R), Industrial (I), Commercial (C), Limited Commercial (LC), and *Interchange (INT)*

ROLL CALL VOTE: Mr. Bakos-Aye; Ms. Seelau-Aye; Mr. Uebelhoer-Aye; Mr. Knupfer-Aye; Mr. Conti-Aye; Mr. Kuras-Aye
ALL AYES—MOTION CARRIED

Rescind Special Use Permits

- Board decided to rescind Special Use Permits for operating a Bed and Breakfast at 2425 Kilian Rd. and Syntech Services at 768 Main Rd., as Zoning received notice that they are no longer in use.
- Before rescinding, the board decided to send another letter to Austin Smith regarding the Special Use Permit granted for Motor Vehicle Sales at 8940 Allegheny Rd.

On **MOTION** made by Mr. Bakos and seconded by Ms. Seelau **to rescind two Special Use Permits as follows:**

2425 Kilian Rd., TM# 17.-1-44.2, Bed and Breakfast
768 Main Rd., TM# 18.-2-14, Syntech Services

ROLL CALL VOTE: Ms. Seelau-Aye; Mr. Uebelhoer-Aye; Mr. Knupfer-Aye; Mr. Conti-Aye; Mr. Kuras-Aye; Mr. Bakos-Aye

ALL AYES—MOTION CARRIED

Old Business:

Mr. Kuras brought up the issue of the dirt/race track on Indian Falls Rd. near North Pembroke Rd. The motor cross track is supposed to be for personal use only, but it appears events have been held there. Tom Schneider talked to the Town attorney who said the board needs proof of anyone paying to use the track. Mr. Knupfer noted that complaint letters should be filed.

Mr. Kuras also brought up how trucks are parking on the road near Tim Hortons. It was agreed that this is not a matter for the Planning Board but the DOT.

New Business:

On **MOTION** made by Mr. Uebelhoer and seconded by Mr. Knupfer **to change the Planning Board's regular monthly meeting time to 7:00pm, effective February 28th.**

Voice Vote:

ALL AYES—MOTION CARRIED.

A MOTION to adjourn the meeting was made by Mr. Bakos and seconded by Mr. Uebelhoer.

Voice Vote:

ALL AYES—MOTION CARRIED.

Meeting Closed at 9:27pm.
Respectfully Submitted,
Diane M. Denton,
Acting Recording Secretary
Jim Uebelhoer, Chairman

These minutes were approved by the Town of Pembroke Planning Board February 28, 2018