



THE TOWN OF PEMBROKE PLANNING BOARD

1145 Main Rd., Pembroke, NY 14036

Minutes for the regular meeting held on February 28, 2018

ATTENDANCE:

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

PUBLIC PRESENT: Yes

MEETING called to order at 7:00pm.

Chairman Uebelhoer led the “Pledge of Allegiance”.

MOTION TO APPROVE the Minutes from January 31, 2018 made by Mr. Kuras; Second to motion was made by Mr. Uebelhoer.

Voice Vote: ALL AYES—MOTION CARRIED.

Public Hearing

Special Use Permit and Site Plan Review

Non-Commercial Wind Turbine/Buffalo Renewables

8493 Allegheny Rd., Town of Pembroke

Tax Map# 15.-1-22.1

Zoning District: Interchange

Required Referral to Genesee County

PUBLIC HEARING was opened at 7:03pm. The Notice of Public Hearing ran in the Batavia Daily News February 13, 2018, was posted on the Town’s Bulletin Board, and letters were sent to adjoining property owners within 500 feet.

- Buffalo Renewables have applied to construct a 100kW wind turbine to produce electricity for Maday Corporation DBA as Darien Lakes Econo Lodge. Tracy Schmidt and Justin Swogier were present to represent Buffalo Renewables.
- A text change was necessary to allow wind turbines in Interchange District. The text change was approved by the Genesee County Planning Board and the Town of Pembroke Town Board. County won’t hear the actual referral for the Wind Turbine until its March 8th meeting.
- There wasn’t any public comment. Mr. Kuras referred to the possibility of the Turbine falling onto neighboring properties, noting that although the surrounding parcels are currently owned by the same resident, they might not be in the future.
- No fall zone was written into the ordinance for non-commercial wind turbines, but it could be later. It is currently considered according to Schedule A setbacks.

- Representative from Buffalo Renewable noted that if the Turbine did fall it is designed to buckle and wouldn't hit the ground at its full length. Also, typically, they try to set it back 1.1 times the height of tower, but this parcel is narrow, so they set it closer to the property line of the parcel owned by the same owner.
- Tom Schneider said the board could, in the future, recommend setbacks for a fall zone. He noted that even with a fall zone put into the regulations, the Zoning Board of Appeals could grant a variance.
- The site plan shows the wind turbine with a setback of 106 ft. one side and 194 ft. on the other. There was a discussion about whether Buffalo Renewables could reposition the wind turbine. They agreed to move it to 140 ft. one side and 160 ft. on the other side. Buffalo Renewables said they would submit a new site plan.

Public Present: Yes.

Motion to Close the Public Hearing @ 7:22pm made by Mr. Uebelhoer and seconded by Mr. Bakos.

Voice Vote:

ALL AYES-MOTION CARRIED

Board decided it could vote on SEQR, but would wait to vote on whether to approve Special Use Permit and Site Plan until after County reviews application. Buffalo Renewables said having all permits in place made their application for a FDA grant easier. To expedite their application, the board decided to bring the Planning Board's regular March meeting forward to Monday, March 12th.

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

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

Five (5) AYES—**MOTION CARRIED**

Land Separation

Ed Arnold Jr.

2129 Angling Rd., Town of Pembroke

Tax Map# 24.-1-22

Zoning District: AG/RES

- Mr. Arnold wants to separate house with approximately 2 ½ acres from TM# 24.-1-22. He is selling house to its current residents. There would be enough frontage for separated portion with house.
- Mr. Arnold has had it surveyed and had Mylar for Chairman Uebelhoer to sign.

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

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

(Ms. Seelau was absent from vote as she had to leave meeting temporarily to pick up her daughter)
Four (4) AYES—**MOTION CARRIED**

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

ROLL CALL VOTE: Mr. Uebelhoer-Aye; Mr. Conti-Aye; Mr. Kuras-Aye; Mr. Bakos-Aye;
(Ms. Seelau was absent from vote as she had to leave meeting temporarily to pick up her daughter)
Four (4) AYES—**MOTION CARRIED**

Informational
Sanitary Sewage Screw Screen and Building Exemption
TA Operating LLC
8420 Allegheny Rd., Town of Pembroke
Tax Map# 15.-1-3
Zoning District: Interchange

- TA invested one million dollars to put sewer in. They need baler/screen to bundle bulk sewage for disposal. A 12 ft. x 15 ft. would contain baler. They would like to get it installed in the next couple of weeks.
- Tom Schneider noted the Planning Board can exempt certain site plans.
- The TA will be getting rid of treatment plant, moving it to Corfu, which means the buildings on site will be decreased.

On **MOTION** made by Mr. Uebelhoer and seconded by Mr. Bakos **for Site Plan Review Exemption for TA Sewer Treatment Screen Installation and Removal of Existing Sewer Treatment Infrastructure.**

WHERE AS, TA Operating LLC has installed sewer infrastructure from their site to the corner of Routes 5 & 77 for the purposes of connecting into Pembroke Sewer District 1 as an out of district user,

WHERE AS, TA Operating LLC will be dedicating said infrastructure to the Town of Pembroke,

WHERE AS, the construction of this will be beneficial to the Interchange Zoning District,

WHERE AS, TA Operating will be dismantling and removing their current onsite sewer treatment infrastructure, effectively decreasing their on-site footprint upon completion,

WHERE AS, the Sewer Treatment Screen System is a mandated part for effective operation of and connection to sewer infrastructure in Pembroke,

WHERE AS, the Town of Pembroke Planning Board is empowered under SECTION 708, C. 6 to waive site plan review when reasonable,

NOW THERE FOR BE IT RESOLVED, the site plan review requirements for the installation of the Sewer Treatment Screen System and the removal of the preexisting sewer treatment

infrastructure and the rehabilitation of the site are,

HERE BY, Waived.

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

Five (5) AYES—**MOTION CARRIED**

Old Business: None

New Business:

An application for TA will be going to County for March for them to recycle grease and mix it with diesel on site. It could be voted on at the Planning Board meeting on March 12th.

Tom Schneider passed out site plan for a possible Speedway application to locate across from Flying J's. It will probably be a couple of months before it comes before the board. The proposed Speedway would be selling gas and diesel with a small convenience store. There won't be any showers or other amenities, about 900 gallons of water used per day. They were asked to put in extra truck parking spaces because of the Thruway. They want to get all the permits necessary from the DOT, DEC, etc. before they decide whether to apply.

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 8:06pm.
Respectfully Submitted,
Diane M. Denton,
Acting Recording Secretary
Jim Uebelhoer, Chairman

These minutes were approved by the Town of Pembroke Planning Board March 12, 2018