



## THE TOWN OF PEMBROKE PLANNING BOARD

1145 Main Rd., Pembroke, NY 14036

Minutes for the regular meeting held on March 12, 2018

### ATTENDANCE:

- Jim Uebelhoer — Chairman
- Dave Knupfer — Vice Chairman
- Michael Bakos
- Cheyanne Seelau
- Philip Conti
- Greg Kuras
- Thomas Schneider, Acting Recording Secretary

### PUBLIC PRESENT: Yes

MEETING called to order at 7:00pm.  
Cheyanne Seelau led the “Pledge of Allegiance”.

**MOTION TO APPROVE the Minutes from February 28, 2018** made by Mr. Kuras; Second to motion was made by Mr. Uebelhoer.

**Voice Vote: ALL AYES—MOTION CARRIED.**

### Determination

#### 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

*Public Hearing Opened and Closed at February Meeting  
Required Referral to Genesee County*

- County approved the application, noting the proposed wind energy system should pose no significant county-wide or inter-community impact. It is recommended that the applicant submit 911 address verification to the Genesee County Sheriff’s Office.
- At the February meeting there was a discussion about whether Buffalo Renewables could reposition the wind turbine to 140 ft. one side and 160 ft. on the other side. Their representatives at that meeting thought it could be.
- Padma Kasthuriragan said that, because the turbine should be 1.1 times from property lines, which would be a minimum of 176 ft. from the south property line, it could be moved only 16 ft. not 34 ft. south. She thought it made more sense for it to be a liability to the owner’s property on the north side than on the south side.
- Jim noted that both sides were owned by the same resident. Some members of the board replied that “for now” they were, but the land could be sold in the future. Also, the lack of space for appropriate fall zones could become more of a problem as more applications for wind turbines

come before the board. There is nothing currently in the Zoning Law to stipulate specifically for wind turbine setbacks.

- Tom Schneider said the Planning Board could recommend to the Town Board to add the 1.1 or some other fall zone requirement for non-commercial wind turbines into the Zoning Law, which would still be subject to the Zoning Board of Appeals considering variance applications. For now it is within the Planning Board's purview to add stipulations regarding the setbacks in the Special Use Permit.
- Mr. Kuras wouldn't have a problem if it was all one parcel, but as it isn't there is the potential for the adjacent parcels to be sold.
- Ms. Kasthuriragan said that they cannot design a project on what may happen down the road.
- After the previous meeting, Mr. Kuras was under the impression Buffalo Renewals had agreed to move the wind turbine to the 140 ft. and 160 ft. setbacks.
- Ms. Kasthuriragan noted that if it was moved as discussed at the last meeting, it would be in violation on both the north and south property lines. Even with a north property setback of 140 ft., it wouldn't be totally protected as the height to the top of the turbine is 159 ft.
- Tom Schneider reminded the board that it needed to vote on the Site Plan Review and Special Use Permit. The SEQR was approved at the February 28<sup>th</sup> meeting.

On **MOTION** made by Mr. Uebelhoer and seconded by Mr. Knupfer **to approve the Site Plan And Special Use permit with the following stipulation:**

- The wind turbine be moved 18ft. from the south property line to minimize damage should it fall, changing the setbacks from 140ft. and 160ft. to 124ft. and 176ft.

**ROLL CALL VOTE:** Mr. Bakos-Aye; Ms. Seelau-Nay; Mr. Uebelhoer-Aye; Mr. Knupfer-Aye; Mr. Conti-Nay; Mr. Kuras-Nay  
Three AYES; Three NAYS—**TIE: MOTION NOT APPROVED**

- Tom Schneider checked with the Town attorney who said the Planning Board could set stipulations for the Special Use Permit.
- Mr. Uebelhoer suggested they go back to the 140ft. and 160ft., which all members of the board seemed to agree on.
- There was a discussion between board members, Buffalo Renewables, and Julie Stone, owner of the Econo Lodge, about surveying off a 35ft. section of north side parcel, owned by Ms. Stone's father, and attaching it to the parcel where the wind turbine would be placed to make an appropriate fall zone. The other option was to minimize setbacks to 140ft. on north side and 160 ft., on south side and obtain letters from south side landowners stating they were all right with fall zone.

On **MOTION** made by Mr. Uebelhoer and seconded by Mr. Bakos **to approve the Site Plan and Special Use permit with the following stipulations:**

- Landowner/installer moves the tower location to 140 ft. from the north lot line and 160ft. from the south lot line.
- Installer will provide a letter from the owner of the adjacent property to the south authorizing the proximity of the tower to the south property line.
- Applicant will ensure tower address meets enhanced 911 requirements.

**ROLL CALL VOTE:** Mr. Bakos-Aye; Ms. Seelau-Aye; Mr. Uebelhoer-Aye; Mr. Knupfer-Aye; Mr. Conti-Nay; Mr. Kuras-Aye  
Five AYES; One NAY—**MOTION APPROVED**

**Site Plan Review**  
**Biodiesel Underground Storage Tank/TA Operating Systems**  
8420 Allegheny Rd., Town of Pembroke  
Tax Map# 15.-1-3  
Zoning District: Interchange  
*Required Referral to Genesee County*

- Applicant proposes an addition of a B100 Bio-diesel underground tank and a blending system (to mix regular diesel with bio-diesel). The blending system is to be housed in a 5’6” wide x 12’3” long shed.
- Applicant is complying with all DEC requirements, treating it like any other fuel tank.
- County approved the applications, noting the proposed changes should pose no significant county-wide or inter-community impact. County recommended the applicants work with the local fire district to ensure they are aware of changes made to the current facility.

On **MOTION** made by Mr. Uebelhoer and seconded by Mr. Conti **to approve Site Plan based on the following stipulations.**

- Applicant must contact the Town of Pembroke Fire Chief to inform him of changes.
- Applicant must meet DEC specifications for tank installation.

**ROLL CALL VOTE:** Mr. Kuras-Aye; Mr. Bakos-Aye; Ms. Seelau-Aye; Mr. Uebelhoer-Aye; Mr. Knupfer-Aye; Mr. Conti-Aye  
**SIX (6) AYES—MOTION CARRIED**

**Land Separation**  
**Valerie Love**  
8976 N. Angling Rd., Town of Pembroke  
Tax Map# 24.-1-32.11  
Zoning District: AG/RES

- Applicant wishes to separate 4-5 acres at the north end of TM# 24.-1-32.11 from current 12.5 acre parcel.
- Included is 202.3 ft. of road frontage, so parcel isn’t landlocked and has enough frontage for building a house in the future.

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. Bakos-Aye; Ms. Seelau-Aye; Mr. Uebelhoer-Aye; Mr. Knupfer-Aye; Mr. Conti-Aye; Mr. Kuras-Aye  
**SIX (6) AYES—MOTION CARRIED**

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

**ROLL CALL VOTE:** Mr. Bakos-Aye; Ms. Seelau-Aye; Mr. Uebelhoer-Aye; Mr. Knupfer-Aye; Mr. Conti-Aye; Mr. Kuras-Aye  
**SIX (4) AYES—MOTION CARRIED**

**Old Business:** None

**New Business:** Mr. Uebelhoer stated that as of the close of the present meeting, unless something urgent came up, there wouldn't be a meeting on March 28<sup>th</sup>.

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

**Voice Vote:**

**ALL AYES—MOTION CARRIED.**

Meeting Closed at 8:12pm.  
Respectfully Submitted,  
Thomas Schneider  
Acting Recording Secretary  
Minutes Typed up by Diane Denton

Jim Uebelhoer, Chairman

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