



**THE TOWN OF PEMBROKE  
PLANNING BOARD  
1145 Main Rd., Pembroke, NY 14036  
Minutes for the regular meeting held on October 25, 2017**

**ATTENDANCE:**

- Jim Uebelhoer —Chairman
- Michael Bakos
- Greg Kuras
- Cheyanne Seelau
- Linda Rindell—Alternate  
Diane Denton—Acting Recording Secretary

**PUBLIC PRESENT: Yes**

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

**The board had a moment of silence for fallen BPD officer Craig Lehner.**

**For the record: Alternate Linda Rindell sat in for David Knupfer who was absent**

**MOTION TO APPROVE the Minutes from September 27, 2017** made by Mr. Kuras; Second to motion was made by Ms. Rindell

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

**Public Hearing  
Special Use Permit and Site Plan Review  
Dog Kennel  
1711 Genesee St, Town of Pembroke  
Tax Map# 24.-1-9.2  
Zoning District: AG/RES  
*Required Referral to Genesee County***

**PUBLIC HEARING** was opened at 7:32pm. The Notice of Public Hearing ran in the Batavia Daily News October 12, 2017, was posted on the Town’s Bulletin Board, and letters were sent to adjoining property owners within 500 feet.

- Ms. Kirkum currently has a Special Use Permit to operate a dog kennel at 2436 Beckwith Rd. She wishes to relocate the kennel to 1711 Genesee St.
- County disapproved the referral, stating that given the presence of State regulated wetlands and suspected Federal wetlands on the property, a wetlands delineation survey is needed prior to approval of the site plan. County encouraged the applicant to resubmit the application with the required survey and/or permits from the NYS Dept. of Environmental Conservation (DEC) and Army Corps of Engineers (ACE).

- One letter was received from a neighbor, Eleanor Sauka. Ms. Sauka hadn't any objection except in terms of noise control.
- Ms. Kirkum said she currently has 32 dogs—all mini Dachshunds—on license. Her Special Use Permit for Beckwith Rd. stipulated she couldn't have more than 41 on site at any one time. All the dogs are locked in at night and the buildings are well-insulated. She said the amount of dogs she has on site is in flux as some go out to shows.
- Zoning Officer Tom Schneider mentioned that any dog six months or younger doesn't need to be licensed, so any puppies under six months that Ms. Kirkum had on site wouldn't be counted.
- Tom Schneider also mentioned that the Town doesn't have a noise ordinance and that there have never been any complaints with the kennel located on Beckwith Rd.
- Ms. Kirkum stated that she has a privacy fence that keeps the dogs from seeing anything that would provoke them to bark.
- A Special Use Permit goes with the property and is renewed and inspected every year. If there is ever a problem with complaints, the Special Use Permit can be brought back before the Planning Board and reviewed.
- Tom Schneider noted that the County's Pictometry system shows no wetlands where the buildings in question are located. Mr. Bakos asked Ms. Kirkum if she had contacted the DEC. She said she hadn't.
- Ms. Cheyanne wondered if the original Special Use Permit could just be transferred to the new property. Tom Schneider said that Special Use Permits go with the property and he thought it was best to go through the process the right way and issue a new Special Use Permit to the new location.
- The main barn was knocked down and kennel building put up in the same place, so there was already a structure there.
- Mr. Schneider noted there had been a Special Use Permit issued at the property several years ago for Motor Vehicle Sales that has since been rescinded.

**Public Present:** Yes

**Motion to Close the Public Hearing @ 7:42pm** made by Mr. Uebelhoer and seconded by Mr. Kuras.

**Voice Vote:**

**ALL AYES-MOTION CARRIED**

On **MOTION** made by Ms. Rindell 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; Ms. Rindell-Aye; Mr. Kuras-Aye

**ALL (5) AYES-MOTION CARRIED (County's determination of disapproval overruled)**

On **MOTION** made by Mr. Uebelhoer and seconded by Ms. Seelau **to approve the Special Use Permit and Site plan with the following stipulation:**

- **The maximum allowance of dogs on site will be 41.**
- **All stipulations on the original Special Use Permit**

**ROLL CALL VOTE:** Ms. Seelau-Aye; Mr. Uebelhoer-Aye; Ms. Rindell-Aye; Mr. Kuras-Aye; Mr.

Bakos-Aye;

ALL (5) AYES-MOTION CARRIED (County's determination of disapproval overruled)

## Land Separation and Merger Jesse Stocking

Boyce Rd., Town of Pembroke  
Tax Map# 20.-1-50.12 and 20.-1-59  
Zoning District: AG/RES

- Applicant wishes to separate land from TM# 20.-1-50.12 to be merged with TM# 20.-1-59. Technically the new parcel wouldn't have road frontage, which normally the board would try to avoid. As County won't allow mergers over Tax Maps and applicant owns parcel TM# 24.-1-9.1 with sufficient frontage on Genesee St., the parcel created from the proposed separation and merger would not be landlocked.

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. Uebelhoer-Aye; Ms. Rindell-Aye; Mr. Kuras-Aye; Mr. Bakos-Aye; Ms. Seelau-Aye;  
**ALL AYES-MOTION CARRIED**

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

**ROLL CALL VOTE:** Ms. Rindell-Aye; Mr. Kuras-Aye; Mr. Bakos-Aye; Ms. Seelau-Aye; Mr. Uebelhoer-Aye;  
**ALL AYES-MOTION CARRIED**

**Old Business: None**

### **New Business:**

- Discussion on possible proposal of 12 full-scale wind turbines (492 ft. high to top of blade; under 30 kilowatts of power): two on Colby Rd. in the Town of Pembroke, the remaining ten in the Town of Darien. There was a meeting held today, October 25<sup>th</sup>, mostly to gauge the public response. Sounds like the company wants to know if there will be much opposition before they go ahead with the application. Property owners in the Town of Pembroke with land where the wind turbines might go have been approached. The Town allows wind turbines up to 75 ft. tall, but can approve taller ones if cash incentive is worthwhile. Mr. Uebelhoer hoped that if it went ahead local labor would be used where possible. The Town of Pembroke would rather work on this in unity with the Town of Darien, who would be the bigger player. Nine of the turbines would be in the Pembroke School District. The area proposed for the wind turbines is quite flat; they are going to be seen and will change the landscape. The company said they would try to put them on hedgerows and near tree areas, taking as little farmland as possible. In terms of Mercy Flight, if the project went ahead, the company would have to notify the FCC and the turbines would have to be lighted. There will probably be some further public informational meetings before any formal application is made.

**A MOTION** to adjourn the meeting was made by Mr. Uebelhoer, and seconded by Ms. Rindell.  
**ALL AYES—MOTION CARRIED**

Meeting Closed at 8:30pm.

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

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