



**M2THE TOWN OF PEMBROKE
PLANNING BOARD
1145 Main Rd., Pembroke, NY 14036
Minutes for the regular meeting held on April 25, 2018**

ATTENDANCE:

- Jim Uebelhoer — Chairman
- Dave Knupfer — Vice Chairman
- Cheyanne Seelau
- Richard Kutter
- Greg Kuras
- Linda Rindell (Alternate) – sat in for Philip Conti who was absent
- Diane Denton, Acting Recording Secretary

PUBLIC PRESENT: Yes

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

MOTION TO APPROVE the Minutes from March 28, 2018 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**

Nicole Savage
8934 S. Lake Rd., Town of Pembroke
Tax Map# 18.-1-67
Zoning District: AG/RES
Required referral to County

PUBLIC HEARING was opened at 7:02pm. The Notice of Public Hearing ran in the Batavia Daily News April 17, 2018, was posted on the Town’s Bulletin Board, and letters were sent to adjoining property owners within 500 feet.

- Ms. Savage would like to install a pond behind her house for drainage purposes. The April 18th Public Hearing for an area variance was left open by the Zoning Board of Appeals. The ZBA felt it couldn’t make a determination until Ms. Savage supplied more detailed information about the size and placement of the pond.
- The Planning Board cannot make its determination until the Zoning Board of Appeals makes theirs regarding the area variance for the purposed pond.
- County approved with modifications: 1) The applicant provide a revised site plan showing pond dimensions and all setbacks to property lines, and given the information provided by the Genesee County Soil and Water Conservation District of suspected Federal wetlands and that endangered or threatened species or their associated habitats are known to be within the

boundaries of the project site, 2) the applicant obtain documentation from the New York State Department of Environmental Conservation (DEC) as to the project's impacts on such species and 3) The applicant obtain documentation and/or a permit from the U.S. Army Corps of Engineers for the suspected wetlands. With these required modifications, the proposed pond and variances should pose no significant county-wide or inter-community impact. A neighboring property has a pond with an even smaller setback. Please note that the applicant should amend Q.15 of the Short EAF due to the presence of State-listed bat habitat.

- Some neighbors have expressed concern about overflow/run-off of water to their properties. Mr. Uebelhoer said that they would be notified of the progress of the application.

Motion to close the Public Hearing @ 7:07pm made by Mr. Uebelhoer and seconded by Mr. Knupfer.

Voice Vote: ALL AYES—MOTION CARRIED.

On **MOTION** made by Mr. Uebelhoer and seconded by Ms. Seelau **to hold declaration on the SEQR short form.**

Voice Vote: ALL AYES—MOTION CARRIED.

Public Hearing
Special Use Permit and Site Plan Review
Eric Von Kramer
2369 Kilian Rd., Town of Pembroke
Tax Map# 17.-1-46.11
Zoning District: Commercial
Required referral to County

PUBLIC HEARING was opened at 7:11pm. The Notice of Public Hearing ran in the Batavia Daily News April 17, 2018, was posted on the Town's Bulletin Board, and letters were sent to adjoining property owners within 500 feet.

- Mr. Von Kramer would like to operate motor vehicle sales at 2369 Kilian Rd. He noted that that there was a Special Use Permit for motor vehicle sales attached to the property from 1973 to 1990/91. He had sold the property to Jeff Humel and after a fire that burned down the buildings on it, he bought it back.
- County approved application with stipulations: 1) The applicant merge the two properties (TM# 17.-1-46.11 with TM# 17.-1-46.2), 2) no parking shall take place within the public right-of-ways or in such a manner that would require vehicles to back out onto a public highway, 3) the Town set a limit on the number of display vehicles on the property, 4) No vehicles intended for dismantling or use for parts shall be stored on the property, and 5) on-site lighting shall be installed so as to not shine directly onto neighboring properties or cause a hazard for motorists.
- Mr. Von Kramer is owner of both parcels County recommended merging, but he does not want to merge them. He feels TM# 17.-1-46.2 might have a separate purpose in the future.
- The address for the proposed Special Use Permit/motor vehicle sales business would be the parcel on Kilian Rd. There is a driveway on to Kilian Rd., but Mr. Von Kramer also utilizes the driveway of parcel on Pratt Rd. because it is larger.
- Mr. Von Kramer would like to be allowed to have four cars outside. He doesn't intend to have any lighting.

- Mr. Von Kramer said that if it looked like the Planning Board was going to insist he merge the two parcels or didn't have enough votes to overrule County, he would withdraw his application and go back and try again with County.
- Mr. Uebelhoer said he thought County was recommending such mergers to get rid of non-conforming lots. Both of Mr. Von Kramer's parcels are non-conforming, approved before 1976.
- Mr. Kuras noted Mr. Von Kramer was just utilizing the properties, not selling them. Ms. Rindell mentioned that he did suggest he might sell in the future. Mr. Knupfer said it would be hard to sell a non-conforming lot for the purpose of building a house on it.
- 2369 Kilian Rd. is currently a contractor's yard. It was noted that Mr. Von Kramer cannot have two Special Use permits on one property. He would have to relinquish the old one to get the new one. A Special Use Permit goes with the land, unless the Planning Board rescinds it.
- Mr. Knupfer said he didn't have a problem granting the new Special Use Permit as long as Mr. Von Kramer relinquishes the one for a contractor's yard.
- Mr. Von Kramer was ok with all of County's stipulations except for merging the two properties.

Motion to close the Public Hearing made @ 7:41pm by Mr. Uebelhoer and seconded by Ms. Seelau.

Voice Vote: ALL AYES—MOTION CARRIED.

On **MOTION** made by Mr. Kutter and seconded by Ms. Uebelhoer **to make a negative declaration on the SEQR short form.**

ROLL CALL VOTE: Ms. Seelau-Aye; Mr. Kutter-Aye, Mr. Uebelhoer-Aye; Mr. Knupfer-Aye; Ms. Rindell-Aye; Mr. Kuras-Aye
All Ayes (6)—**MOTION CARRIED**

On **MOTION** made by Mr. Kutter and seconded by Mr. Uebelhoer **to grant the Special Use permit for motor vehicle sales with the following stipulations:**

- **no parking shall take place within the public right-of-ways**
- **maxim four vehicles on display at any one time**
- **hours of operation will be 8am – 5pm**
- **no dismantling of vehicles on property**
- **contractor Special Use Permit be surrendered**
- **if on-site lighting is installed, it must not shine directly onto neighboring properties or cause a hazard for motorists.**

ROLL CALL VOTE: Mr. Kutter-Aye, Mr. Uebelhoer-Aye; Mr. Knupfer-Aye; Ms. Rindell-Aye; Mr. Kuras-Aye; Ms. Seelau-Aye;
All Ayes (6)—**MOTION CARRIED**

General Discussion: Mr. Kuras wondered if there was anything in Zoning Law regarding storage trailers. He was told that it was an enforcement issue, not one for the board.

Old Business:

Tom Schneider and Jim Uebelhoer are working on new solar/signage text to present to the Town

Board, hopefully next month. They did a complete tour of the whole town regarding Special Use Permits and have sited twenty-five or so properties where Special Use Permits aren't being used. They hope to have all the residents of those properties notified by July 1st.

New Business: None

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

Voice Vote:

ALL AYES—MOTION CARRIED.

Meeting Closed at 7:53 pm.

Respectfully Submitted,

Diane Denton

Acting Recording Secretary

Jim Uebelhoer, Chairman

These minutes were approved by the Town of Pembroke Planning Board May 30, 2018