



THE TOWN OF PEMBROKE PLANNING BOARD

1145 Main Rd., Pembroke, NY 14036

Minutes for the regular meeting held on October 24, 2018

ATTENDANCE:

- Jim Uebelhoer — Chairman
- Michael Bakos
- Cheyanne Seelau
- Thomas Marshall
- Greg Kuras
- Richard Kutter — Alternate
- Linda Rindell — Alternate
- Diane Denton, Recording Secretary
- Thomas Schneider, Zoning Enforcement Officer

PUBLIC PRESENT: Yes

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

Alternates Dick Kutter and Linda Rindell replaced Dave Knupfer and Phil Conti who were absent.

MOTION TO APPROVE the Minutes from September 26, 2018 made by Mr. Kuras;
Second to motion was made by Mr. Marshall.

Voice Vote: ALL AYES—MOTION CARRIED.

Public Hearing

Speedway/McBride Dale Clarion

Site Plan Review, Special Use Permit, and Land Separation

New Convenience Store with Fueling Stations for Cars and Commercial Vehicles

Allegheny Rd., Town of Pembroke

Tax Map# 15.-1-22.2

Zoning District: Interchange

PUBLIC HEARING was opened at 7:04pm. The Notice of Public Hearing ran in the Batavia Daily News October 18, 2018, was posted on the Town’s Bulletin Board, and letters were sent to adjoining property owners within 500 feet.

- Chairman Uebelhoer read notice of posting in the Batavia Daily. No letters were received from neighboring properties.
- County approved with modifications: The required modifications are as follows: 1) An Area Variance be applied for and obtained or the remaining land be merged with the adjacent parcel as the land separation would result in the parcel to the south having less than the required

frontage; 2) (for ZBA) The freestanding sign area and height be reduced to conform with the Town's regulations or to a level consistent with the neighboring truck stops; 3) The applicant follow SHPO's requirement to conduct a phase 1 archeological survey wherever there will be a disturbance of the land, 4) The applicant obtain documentation from NYS DOT for approval of the driveway given the change of use/intensity; 5) Per NYS Dept. of Environmental conservation (DEC) requirements, and given that the applicant will be disturbing more than one acre of land, the applicant completes a Stormwater Pollution Prevention Plan (SWPPP); and 6) The storage and disposal of all new and used waste oils, lubricants, fuels, coolants and other hazardous materials shall be conducted in a manner consistent with all applicable State and Federal laws. With these required modifications, the proposed new fueling station/convenience store should pose no significant county-wide or inter-community impact. It is recommended that the applicant submits application for 9-1-1 Address Verification to the Genesee County Sheriff's Office to ensure that the address of the proposed development meets Enhanced 9-1-1 standards.

- Jonathan Wocher of McBride Dale Clarion and Scott Gross of the Construction Management Department of Speedway were present.
- Speedway wants to purchase 18.5 acres on Allegheny Rd. to the north of Subway. 3.5 acres of TM# 15.-1-22.2 would remain with current owner and be merged to TM# 15.-1-22.1. Speedway proposes the building of a 4,608 sq. ft. convenience store with auto and diesel fueling with canopy at the front of the store (sixteen gas and two diesel stations) and truck/commercial vehicle fueling behind it (six diesel stations).
- There will be one driveway, aligned with Flying J's car entrance across the road. Speedway has submitted plan to DOT, who would only allow this one driveway sharing access (easement) with Subway and the Econo Lodge. Speedway will resurface existing pavement but not widen it.
- The plan would be for truck customers to proceed to the rear. As with fueling, parking for auto and commercial vehicle traffic would be separated: twenty-nine parking spaces for cars and twenty-five spaces for trucks.
- This would not be a full truck stop as there won't be a lounge, showers, laundry facility, scales, etc., amenities the other truck stops have. It will be open 24 hours a day, seven days a week.
- The Zoning Board of Appeals have not yet voted on sign variances, but have requested Speedway make some adjustments to move closer to meeting the Zoning Code and be more in line with the signage Flying J's and TA have.
- Speedway has no objection to County's modifications and is working with SHPO, and the DEC and DOT. If/when they get approval from the Town they will proceed with getting technical permits from the state and other agencies. Building would probably begin late spring, early summer 2019, with a view to opening by the end of the year.
- Julie Stone will merge remaining 3.5 acres of TM# 15.-1-22.2 with TM# 15.-1-22.1.
- Mr. Kuras wondered what was meant by "Café". Mr. Wocher explained that there would be pre-made food, as well as candy, snacks, and beverages to take out. There would be a counter with stools, and restrooms, but no booths or lounge area—no restaurant. It would not be competing with Denny's or the Country Pride's sit down service.
- Speedway would not be a high-demand water or sewage user.
- Mr. Schneider had a call from Flying J's management, who felt Speedway catered more to owner-operated truckers who wouldn't be looking for the longer term amenities Flying J's offers.

- Mr. Wocher noted that this was not a typical location for Speedway. They wouldn't be trying to be everything to Truckers, not catering for long-term stays. He mentioned that Speedway's new stores were much better than their previous ones, and were very competitive with fuel prices.
- The store would be corporate owned and provide local employment opportunities with twenty to thirty employees, three or more full-time with benefits.
- Mr. Kuras asked about the width of parking spaces and the number of handicap ones. Mr. Wocher said they would meet code: 10 ft. x 20 ft. /10ft. x 18 ft., with two handicapped spaces.
- Mr. Uebelhoer didn't think the convenience store would create more traffic. Mr. Wocher agreed that it was more likely to capture traffic already on the road.
- Ms. Rindell wondered if a signal light could be put up. Mr. Wocher explained that a warrant analysis would have to be done. Speedway did a traffic study, initially asking for a second driveway, but were refused.
- Mr. Kutter asked if Speedway was looking for tax advantages. Mr. Wocher thought they would if there were any, but didn't think there were.
- Mr. Kuras wondered about any wetlands on the parcel. Mr. Schneider was told by County to uncheck on SEQR that there were.
- Mr. Kutter said he had been questioned on whether another gas station was needed. He asserted that was not for the Planning Board to decide, because it was a free enterprise town.
- Regarding the reworking of the signage, Mr. Wocher said Speedway would reduce the 100 ft. high sign to 60 ft. maximum and also reduce the sign's area size. Mr. Schneider added that would reduce the 800 sq. footage of signage down to approximately 200 sq. ft. Mr. Wocher noted that when a sign's height is reduced it scales down the its area square footage as well.
- Mr. Schneider suggested the Planning Board could approve the Site Plan, Special Use Permit, and Land Separation pending the ZBA's approval of the sign variances.

Public Present: Yes – representatives for applicants.

Motion to Close the Public Hearing @ 7:31pm made by Mr. Uebelhoer and seconded by Mr. Bakos.

Voice Vote:

ALL AYES-MOTION CARRIED

On **MOTION** made by Mr. Kutter 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. Marshall-Aye; Mr. Uebelhoer-Aye; Mr. Kutter-Aye; Ms. Rindell-Aye; Mr. Kuras-Aye
Seven (7) AYES; No NAYS—**MOTION CARRIED**

On **MOTION** made by Mr. Uebelhoer and seconded by Mr. Kuras **to approve the Site Plan, Special Use Permit, and Land Separation with County modifications, pending the approval of the sign variances.**

ROLL CALL VOTE: Ms. Seelau-Aye; Mr. Marshall-Aye; Mr. Uebelhoer-Aye; Mr. Kutter-Aye; Ms. Rindell-Aye; Mr. Kuras-Aye; Mr. Bakos-Aye;
Seven (7) AYES; No NAYS—**MOTION CARRIED**

Old Business: None

New Business: None

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

Voice Vote:

ALL AYES—MOTION CARRIED.

Meeting Closed at 7:35pm.

Respectfully Submitted,

Diane Denton

Recording Secretary

Jim Uebelhoer, Chairman

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