



THE TOWN OF PEMBROKE PLANNING BOARD

1145 Main Rd., Pembroke, NY 14036

Minutes for the regular meeting held on November 28, 2018

ATTENDANCE:

- Jim Uebelhoer — Chairman
- Michael Bakos
- Cheyanne Seelau
- Thomas Marshall
- Philip Conti III
- Richard Kutter — Alternate
- Thomas Schneider, Zoning Enforcement Officer

PUBLIC PRESENT: Yes

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

Alternates Dick Kutter replaced Dave Knupfer who was absent.

MOTION TO APPROVE the Minutes from October 24, 2018 made by Mr. Kutter;
Second to motion was made by Mr. Kuras.

Voice Vote: ALL AYES—MOTION CARRIED.

Land Separation

Julie Robinson

9451 Ellinwood Rd., Town of Pembroke
Tax Map# 24.-1-104
Zoning District: AG/RES

- Ms. Robinson would like to separate off portion of parcel with barn and pond. ZBA were not in favor of approving side lot variance for the barn. The board felt the road could be included in the separated portion, giving enough distance between barn and new property line to meet Zoning requirements and remove the need for a variance. Ms. Robinson would lose ownership of the driveway, but the ZBA suggested she get an easement so she could continue to use it. She has driveway access on portion of the parcel she intends to keep.
- If the portion with the barn was separated off, without the triangular parcel TM# 24.-1-103, the remaining portion of her current parcel containing her house would not have enough frontage and would create a non-conforming lot. She said the owner had transferred that parcel to her so she could merge it with the remainder of TM# 24.-1-104 to give enough frontage. The ZBA asked her to provide documentation to show that she has ownership of TM# 24.-1-103. Mr. Schneider said she has done so.
- Ms. Robinson was requested to provide information to the Planning Board showing where the leach lines and septic are, making sure they remain on her property. Ms. Seelau noted that Ms.

Robinson has to obtain a map from County Health Department showing where her leech lines, septic, and well are. Mr. Schneider thought that, as the property is so old, the County might not have a map.

- Mr. Uebelhoer mentioned he didn't feel comfortable approving the Land Separation without first seeing the layout of leech lines, septic, and well.
- Ms. Seelau said that if this issue wasn't taken care of now it could cause big problems if her property and house were ever sold.
- Mr. Kutter thought the best solution would be to put in a new septic system.
- Ms. Robinson was asked to return in December for a possible decision on her Land Separation application. In the meantime, she should have the land merger recorded with County and obtain a map of leech bed, septic, and well.

On **MOTION** made by Mr. Kutter and seconded by Mr. Uebelhoer to **table the Land Separation Discussion until further information is supplied to the ZBA and Planning Board.**

Voice Vote:

ALL AYES—MOTION CARRIED.

Discussion about possible American Legion Post construction on Indian Falls Rd.:

Joe Joyce, member of the American Legion in Basom, wanted to know what the Planning Board thought about locating an American Legion Post on Indian Falls Rd. A Zoning text change would be required. The American Legion has been looking for property for four/five years because their current location is a two story building and at least half of their members are Korean and Vietnam veterans who have trouble using the stairs. Also, they have one narrow driveway and have to use a neighbor's driveway. They have ninety members and are very active. The piece of property they are looking at is four acres @1400 Indian Falls Rd. They would like to construct a new single story building that is handicap assessable and feel that with the Veterans Cemetery coming in a Legion post nearby would be one more feature to give the families closure. They have the funds to buy the property, but will do so only if they can build on it. Tom Schneider noted that there would have to be an amendment to the Zoning to allow such a use, the Planning Board only tasked with recommending it to the Town Board. It is currently zoned AG/RES. Under AG/REG, Section A, religious institutions are allowed by right. Mr. Schneider was trying to think of uses of a similar nature. The American Legion's proposal is unique as it fits with the VA cemetery going there. At the same time, making the definition too broad could let in a lot of unwanted uses. There are some neighbors who are opposed to the proposal, because they don't want any commercial activity on Indian Falls Rd. Tom Schneider pointed out that Zoning Code doesn't forbid all commercial use. Since Creekside was allowed to operate, it has been considered better to add a specific new use to the code. Mr. Kutter mentioned that the Creekside situation never came before the Planning Board; instead the Town Board acted unilaterally on it. Mr. Kutter wondered if the American Legion would serve alcoholic beverages. Mr. Joyce said they would, mainly along with providing dinners after a funeral, which he didn't think would infringe on other businesses in the area. Ms. Seelau wondered if the American Legion space could be rented out to anyone, which it could. Mr. Uebelhoer didn't think that situation was any different from holding a chicken barbeque. He wondered how far off the road the building would be and would it be landscaped in a way to conceal it. Mr. Conti wondered if it wouldn't be more practical to locate the building on the side facing the field, so it would be far back from the road and neighbors wouldn't have to look at a

parking lot and cars, etc. Mr. Kuras offered the idea that the façade of the building look like a home. The thought was that aesthetics were important in a case like this. Mr. Uebelhoer and Tom Schneider would be willing to attend a meeting with the Legion members to discuss the best plan. Ms. Seelau wondered about the Legion’s hours and Mr. Joyce said that currently they were only open two days a month. Mr. Kutter thought Mr. Joyce should go to County Planning to see what could be changed in the ordinance to allow a use that would be applicable to the American Legion. Mr. Schneider thought the term “Benevolent Association” might work, but it was something that would have to be researched. Mr. Uebelhoer noted that there wouldn’t be a funeral every week; Senator Schumer’s office thought initially it would be thirty per year.

Old Business: None

New Business: December meeting tentatively set for the 26th. Board members will be notified if there is a change.

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

Voice Vote:

ALL AYES—MOTION CARRIED.

Meeting Closed at 8:04pm.

Respectfully Submitted,

Diane Denton, Recording Secretary

Jim Uebelhoer, Chairman

These minutes were approved by the Town of Pembroke Planning Board December 26, 2018