



## THE TOWN OF PEMBROKE ZONING BOARD OF APPEALS

1145 Main Rd., Pembroke, NY 14036

Minutes for the regular meeting held on April 17, 2019

### ATTENDANCE:

- Terrance Daniel — Chairman
- Don Dylag — Vice Chairman
- Margaret Tuerk
- John Kadziolka
- Donald Showler
- Cherie Uebelhoer — Alternate
- Diane Denton, Recording Secretary

### **PUBLIC PRESENT: Yes**

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

**MOTION TO APPROVE the Minutes from January 16, 2019** made by Mr. Kadziolka;  
Second to motion was made by Mr. Showler.

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

### **Public Hearing** **Area Variances** **Bruce Pfalzer**

1453 Genesee St., Town of Pembroke  
Tax Map# 23.-1-17.2  
Zoning District: AG/RES  
*Required Referral to County*

**PUBLIC HEARING** was opened at 7:11pm. The Notice of Public Hearing ran in the Batavia Daily News April 12, 2019, was posted on the Town’s Bulletin Board, and letters were sent to adjoining property owners within 500 feet.

- Mr. Pfalzer could not be present for the meeting. Zoning Officer Thomas Schneider to the ZBA meeting should consider his application in his absence.
- Mr. Pfalzer wants to split TM# 23-1-17.2 and requires an 88 ft. frontage variance for western portion and a 20 ft frontage variance for eastern portion.
- No letters or comments were received.
- County approved the application as follows: The proposed variance should pose no significant county-wide or inter-community impact. Neighboring parcels exhibit similar or smaller dimensions for frontage.

- Mr. Daniel didn't want the ZBA to discuss whether the Land Separation would create a parcel that someone would want to build on in the future, but only whether or not to grant the variances so the Planning Board can consider the Land Separation application.
- As county pointed out, granting the variances and the Land Separation would not affect the neighborhood, as, going east, there are many small parcels with houses on.
- Mr. Daniel went through the five points the ZBA must consider: 1) would there be an undesirable change in the neighborhood? 2) Could the applicant's wishes be achieved by some other method? 3) Would the variance be substantial? 4) Would there be an adverse impact on the physical environmental conditions of the area? 5) Was the need for a variance self-created? Mr. Daniel felt that #1, 2, and 4 were nos. He added in regards to #3, that although the variances requested were substantial in terms of measurement, they weren't in relation to the dimensions of neighboring properties. He also noted that, in terms of #5, the pros outweighed the fact that the need for the variances was possibly self-created.

**Public Present: No**

**Motion to Close the Public Hearing @ 7:20pm** made by Mr. Dylag and seconded by Ms. Tuerk.

**Voice Vote:**

**ALL (FIVE) AYES-MOTION CARRIED**

On **MOTION** made by Mr. Daniel and seconded by Mr. Showler **to grant an eighty-eight ft. frontage variance to the western parcel created by the proposed separation, and a twenty foot frontage variance to the eastern parcel with the following stipulation:**

- **The Zoning Board of Appeals is approving these variances for the purpose of the Land Separation, not for granting approval of a building lot. In the future, any application for a variance for creating a building lot would have to come before the Zoning Board of Appeals.**

**ROLL CALL VOTE:** Ms. Tuerk-Aye; Mr. Kadziolka-Aye; Mr. Daniel-Aye; Mr. Dylag-Aye; Mr. Showler-Aye

Five (5) AYES; No (0) NAYS—**MOTION CARRIED**

**Old Business: None**

**New Business: None**

**A MOTION** to adjourn the meeting was made by Mr. Showler and seconded by Mr. Dylag.

**Voice Vote:**

**ALL AYES—MOTION CARRIED.**

Meeting Closed at 7:25pm.

Respectfully Submitted,

Diane Denton

Recording Secretary

Terrance Daniel, Chairman

*These minutes were approved by the Town of Pembroke Zoning Board of Appeals May 15, 2019*