



**THE TOWN OF PEMBROKE
PLANNING BOARD
1145 Main Rd., Pembroke, NY 14036
Minutes for the regular meeting held on December 26, 2018**

ATTENDANCE:

- Jim Uebelhoer — Chairman
- Dave Knupfer — Vice Chairman
- Michael Bakos
- Thomas Marshall
- Philip Conti
- Greg Kuras
- Richard Kutter — Alternate
- Diane Denton, , Recording Secretary
- Thomas Schneider, Zoning Enforcement Officer

PUBLIC PRESENT: Yes

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

Alternates Dick Kutter replaced Cheyanne Seelau who was absent.

MOTION TO APPROVE the Minutes from November 28, 2018 made by Mr. Kuras;
Second to motion was made by Mr. Conti.
Voice Vote: ALL AYES—MOTION CARRIED.

**Land Separation
Julie Robinson
(Tabled at 11/28/18 meeting)
9451 Ellinwood Rd., Town of Pembroke
Tax Map# 24.-1-104
Zoning District: AG/RES**

- Per the contractor: her leach field is on the pond portion she wishes to separate from TM# 24.-1-104, only about 40 ft. from pond. It is not certain where her well is.
- Because of the leach field’s location, the parcel can’t be separated as requested. It would be very expensive for her to put in a new leach field for her current house.
- Mr. Schneider said that Ms. Robinson hadn’t contacted Zoning since the last meeting.
- Mr. Uebelhoer thought the board should turn down her application and if she wishes she can reapply with the proper documentation from the health department, etc.

On **MOTION** made by Mr. Uebelhoer and seconded by Mr. Marshall **to deny the Land Separation.**

ROLL CALL VOTE: Mr. Bakos-Aye; Mr. Marshall-Aye; Mr. Uebelhoer-Aye; Mr. Kutter-Aye; Mr. Conti-Aye; Mr. Kuras-Aye
Six (6) AYES; No NAYS—**MOTION CARRIED**

Informational

Renee Franclemont/Special Use Permit and Site Plan Review

9093 Allegheny Rd., Town of Pembroke

Tax Map# 23.-1-12.22

Zoning District: Limited Commercial

- Ms. Franclemont wants to split her current store and convert the back half into an apartment, because the house she currently lives in is too large for just her and her daughter.
- Limited Commercial requires a Special Use Permit for a residential dwelling unit to be on site. The area was made Limited Commercial so anyone building a house would know it was a business district.
- The application will go to County and a Public Hearing will be held by the Planning Board in January.
- Zoning requires a firewall and fire door between the store and the apartment. The firewall would make it two different structures, but because they would be connected it would be considered a “mixed use” structure.
- It is up to the Planning Board to determine whether a business with dwelling should be allowed.
- Tom Schneider said that Zoning might have some concerns with the construction of the apartment. Ms. Franclemont would need to apply for water and sewer usage. The apartment would have to meet energy code and its floor would have to be insulated.
- Mr. Uebelhoer thought it best to let County review the application and the issues it raises. The Planning Board can then look at it based on County’s response and input.

Zoning Text Amendments

- Tom Schneider handed out updated Zoning Law manuals.
- Zoning text changes:
 - Section 106: Service Organization: A nonprofit organization dedicated to the general welfare of the community.
 - Section 402 B New language: #24. Service Organization
 - Section 708 D 9: Revocation of Special Use Permit: Revocation of a Special Use Permit may occur if its recipient fails to abide by its terms and conditions. The revocation procedure is as follows:
 - a. The Zoning Officer(s) shall notify the recipient, in writing, of any violations of Town codes or provisions of the Special Use Permit.
 - b. The recipient shall have thirty (30) days to correct all deficiencies to the satisfaction of the Zoning Officer(s).
 - c. If after thirty (30) days any deficiencies remain, the Zoning Officer(s) will then make a recommendation to the Planning Board for revocation of the Special Use

Permit. If conditions warrant, additional time for compliance may be granted by the Planning Board.

- d. The Planning Board is authorized to revoke a Special Use Permit by majority vote if compliance with the Special use Permit cannot be obtained.
- The Town attorney ok'd the text change language.
- If Planning Boards recommends the changes, Mr. Schneider will send to County Planning and then it will go to the Town Board.

On **MOTION** made by Mr. Uebelhoer and seconded by Mr. Kuras **to make recommendation for Zoning text changes.**

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

Old Business: Regarding the possibility of the American Legion moving to Indian Falls Rd.: they are looking for an ok before they buy property. Attorney said that as long as their organization was not-for-profit, its use would be similar to a religious institution's. It could be 5-10 years before anything is built.

New Business: None

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

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 February 27, 2019