



**THE TOWN OF PEMBROKE  
PLANNING BOARD  
1145 Main Rd., Pembroke, NY 14036  
Minutes for the regular meeting held on July 31, 2019**

**ATTENDANCE:**

- Jim Uebelhoer — Chairman
- Michael Bakos
- Cheyanne Seelau
- Thomas Marshall
- Philip Conti
- Richard Kutter
- Diane Denton — Secretary

**PUBLIC PRESENT: Yes**

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

**MOTION TO APPROVE the Minutes from May 29, 2019** made by Mr. Uebelhoer  
Second to motion was made by Ms. Seelau.  
**Voice Vote: ALL AYES—MOTION CARRIED.**

**Public Hearing  
Special Use Permit/Pond  
John Cleveland  
1919 Main Rd., Town of Pembroke  
Tax Map# 16.-1-39  
Zoning District: Agricultural/Residential (AG/R)  
*Required referral to County***

**PUBLIC HEARING** opened at 7:03pm

The Notice of Public Hearing ran in the Batavia Daily News July 10, 2019, was posted on the Town’s Bulletin Board, and letters were sent to adjoining property owners within 500 feet.

- County approved with modifications: Given that the Short Environmental Assessment form (EAF) stated that the project is located in an archaeological sensitive area, the required modification is that the applicant obtain documentation from the state Historic Preservation Office (SHPO) as to the project’s impacts on archaeological resources. With this required modification, the proposed pond should pose no significant county-wide or inter-community impact.
- Letter from SHPO presented, stating that nothing would be impacted by the proposed pond.
- Pond will be less than an acre and for personal use.

**Public Present: Yes – applicants.**

**Motion to Close the Public Hearing @ 7:07pm** made by Mr. Bakos and seconded by Ms. Seelau  
**Voice Vote: ALL AYES-MOTION CARRIED**

On **MOTION** made by Mr. Uebelhoer and seconded by Mr. Marshall 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. Conti-Aye; Mr. Kutter-Aye  
Six (6) AYES; No NAYS—**MOTION CARRIED**

On **MOTION** made by Mr. Uebelhoer and seconded by Mr. Conti **to approve the Special Use Permit with County’s modifications.**

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

**Discussion/Declaration to Seek Lead Agency**  
**Land Separation and Site Plan Review**

241 Knapp Rd., Town of Pembroke  
Tax Map#s 14.-1-4.11 & 14.-1-1.113  
Zoning District: Agricultural/Residential (AG/R)  
*Requires referral to County*

- Mr. Schneider will submit the application to Country for their August meeting.
- Adam Fishel and, representing Borrego Solar, Steve Long were present.
- Two separate applications have been submitted for each of the two parcels, leased from owner, Benjamin Miles:
  - Solar project
  - Farm lot
- The proposals required properties to merged and lot line to be moved.
- The existing access driveway (formerly used by RC Pulsars) off Knapp Rd. will be reused. It will be made slightly smaller.
- There will be a 7 ft/ chain-link/see-through high perimeter fence.
- It will take about five months to do the main work, an additional few months for the wiring, a total of about nine months until completion.
- Mr. Conti wondered if there were any plans for landscaping to block the solar panels from view. Mr. Long said Borrego could consider doing so.
- There would be 25 ft. between solar panels and fence, 10 ft. between each row of panels with grass, which would be maintained, in-between.
- Borrego Solar is not looking for any exemptions.
- Mr. Uebelhoer wondered how the town and taxpayers are protected by the panels’ removal, possibly 25 years down the line.

- Bond is part of 25-year lease. Towns typically require a Bond, structure determined by that town; west scrub area will be taken out for development; farmland to the east will be left as is.
- Property is within 500 ft. of County Planning Border Line.
- Regarding Akron Airport, Mr. Long said that Borrego had just gotten back report. He hadn't had a chance to look at it yet.
- Borrego is not looking at any expansion down the line. They are looking at other sites in the area.
- The solar panels will be fixed, screwed into foundation, no concrete used, so there will be very little impact on grounds. The soil has been tested to insure screws don't rust out.

**Borrego Solar Project SEQR Lead Agency Resolution**

**WHERE AS**, the entirety of the Borrego Solar project is located in the Town of Pembroke on parcels TM# 14.-1-4.11 & 14.-1-1.113,

**WHERE AS**, Solar Farms are allowed by Special Use Permit in the Agricultural-Residential (Ag-R) District,

**WHERE AS**, the Town of Pembroke Planning Board is charged with review of Special Use Permits per SECTION 708 of the Town of Pembroke Zoning Law,

**NOW, THEREFORE, BE IT RESOLVED**, on this day July 31, 2019, that it is the intent of the Town of Pembroke Planning Board to seek Lead Agency status for the purpose of SEQR review for the Borrego Solar Project.

On **MOTION** made by Mr. Uebelhoer and seconded by Mr. Kutter **to approve the Resolution**

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

**Public Hearing**  
**Special Use Permit/Animal Care and Training**

**Derek Blazynski**  
9114 Allegheny Rd., Town of Pembroke  
Tax Map# 23.-1-3.12  
Zoning District: Limited Commercial (LC)  
*Required referral to County*

**PUBLIC HEARING** opened at 7:42pm

The Notice of Public Hearing ran in the Batavia Daily News July 10, 2019, was posted on the Town's Bulletin Board, and letters were sent to adjoining property owners within 500 feet.

- County approved with the following explanation: the proposed business should pose no significant county-wide or inter-community impact.

- Mr. Blazynski was not present. Mr. Schneider had informed him of the meeting date and time and he had been sent a letter as well.
- The board decided it needed Mr. Blazynski or a representative to be present in order to review his application.

**Public Present: No**

**Motion to table the application and keep the Public Hearing open** made by Mr. Kutter and seconded by Ms. Seelau

**Voice Vote: ALL AYES-MOTION CARRIED**

**Old Business:**

- Mr. Kutter asked if anything was happening regarding Dadswell moving. Mr. Schneider wasn't sure. American Paving is also supposed to be moving.

**New Business: None**

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

**Voice Vote:**

**ALL AYES—MOTION CARRIED.**

Meeting Closed at 7:47pm.

Respectfully Submitted,

Diane Denton, Secretary

Jim Uebelhoer, Chairman

*These minutes were approved by the Town of Pembroke Planning Board August 28, 2019*