



THE TOWN OF PEMBROKE PLANNING BOARD

1145 Main Rd., Pembroke, NY 14036

Minutes for the regular meeting held on August 28, 2019

ATTENDANCE:

- Jim Uebelhoer — Chairman
- Cheyanne Seelau
- Philip Conti
- Greg Kuras
- Richard Kutter — Alternate
- Diane Denton — Secretary

PUBLIC PRESENT: Yes

MEETING called to order at 7:00pm.

“Pledge of Allegiance” led by Mr. Uebelhoer.

Mr. Kutter, alternate, sat on the board as regular board members, Mr. Knupfer, Mr. Marshall, and Mr. Bakos, were absent.

The chairman announced, for the public present, that the application for re-zoning on Indian Falls hadn’t been received in time to be on tonight’s agenda, but would be scheduled for the Planning Board’s September 25th meeting.

MOTION TO APPROVE the Minutes from July 31, 2019 made by Mr. Kuras.

Second to motion was made by Mr. Uebelhoer.

Voice Vote: ALL AYES—MOTION CARRIED.

Public Hearing

Special Use Permit and Site Plan Review/Skilled Trade Shop

David Linneborn

Knapp Rd., Town of Pembroke

Tax Map# 14.-1-15

Zoning District: AG/RES

- Mr. Linneborn’s request for an area variance for a structure to locate his business on TM# 14.-1-15, Knapp Rd., was turned down by the Zoning Board of Appeals, because its size far exceeded what was allowed for a Skilled Trade Shop in AG/R. He has since decided to submit a new plan to comply with the Zoning Law.

PUBLIC HEARING was opened at 7:04pm. The Notice of Public Hearing ran in the Batavia Daily News August 15, 2019, was posted on the Town’s Bulletin Board, and letters were sent to adjoining property owners within 500 feet.

- After the ZBA disapproved his original request, Mr. Linneborn decided to diversify his business and operate the woodworking side of his business as a Skilled Trade Shop on Knapp Rd. He intends to locate the manufacturing facility and sawmill at a different location in the Town. His proposal for the Skilled Trade Shop would be for a structure of 2500 sq. ft., taking 500 sq. ft. off the home to be constructed at the Knapp Rd. location and adding it to the Skilled Trade Shop structure.
- Mr. Uebelhoer told Mr. Linneborn that he needed to submit new plans for the Planning Board to review at their September 25th meeting. Mr. Linneborn agreed to do so.
- The Public Hearing was kept open.

Land Separation

Paul Miller

9060 Allegheny Rd., Town of Pembroke

Tax Map# 23.-1-1.113

Zoning District: Limited Commercial (LC) and Agricultural/Residential (AG/R)

- Mr. Miller wishes to split a building lot from existing 32.4-acre parcel.
- The Zoning Board of Appeals approved a 45 ft. frontage variance for the remaining parcel, which holds his house. County had also approved the variance stating it should pose no significant county-wide or inter-community impact.

On **MOTION** made by Mr. Uebelhoer and seconded by Mr. Conti to make a **negative Declaration on the SEQR short form.**

ROLL CALL VOTE: Ms. Seelau-Aye; Mr. Uebelhoer-Aye; Mr. Kutter-Aye; Mr. Conti-Aye; Mr. Kuras-Aye

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

On **MOTION** made by Mr. Uebelhoer and seconded by Ms. Seelau **to approve the Land Separation as presented.**

ROLL CALL VOTE: Ms. Seelau-Aye; Mr. Uebelhoer-Aye; Mr. Kutter-Aye; Mr. Conti-Aye; Mr. Kuras-Aye

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

Land Separation and Merger

Wilfred Griffin

Knapp Rd., Town of Pembroke

Tax Map# 14.-1-90

Zoning District: Agricultural/Residential (AG/R)

- Ms. Griffin wishes to do a simple Land Separation, taking off the side of TM# 14.-1-90 and merging with TM# 14.-1-8.1.
- Frontage remains the same and in compliance.

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. Uebelhoer-Aye; Mr. Kutter-Aye; Mr. Conti-Aye; Mr. Kuras-Aye; Ms. Seelau-Aye;
Five (5) AYES; No NAYS—**MOTION CARRIED**

On **MOTION** made by Mr. Kuras and seconded by Ms. Kutter **to approve the Land Separation as presented.**

ROLL CALL VOTE: Mr. Kutter-Aye; Mr. Conti-Aye; Mr. Kuras-Aye; Ms. Seelau-Aye; Mr. Uebelhoer-Aye;
Five (5) AYES; No NAYS—**MOTION CARRIED**

Public Hearing
Land Separation and Site Plan Review
Borrego Solar Systems
241 Knapp Rd., Town of Pembroke
Tax Map#s 14.-1-4.11 & 14.-1-1.113
Zoning District: Agricultural/Residential (AG/R)
Required referral to County

PUBLIC HEARING opened at 7:15pm

- Mr. Uebelhoer began by saying that there should have been two postings for two separate applications: two parcels, two projects: 2 x 5 mw solar projects, one east and one west, and a land separation. Because of this error, the applications will be reposted, and the Public Hearing kept open for the Planning Board’s September 25th meeting.

The Notice of Public Hearing ran in the Batavia Daily News August 21, 2019, was posted on the Town’s Bulletin Board, and letters were sent to adjoining property owners within 500 feet.

- Representing Borrego Solar were Ryan Giordano and Greg Gibbons. Also present was Adam Fishel from Marathon Engineering.
- Two separate applications have been submitted for each of the two parcels, which have been leased from the owner, Benjamin Miles.
- Total development within fenced-in area: 50 acres for solar project; 10 mw.
- Access would be via the existing gravel driveway off Knapp Rd. This has been discussed with the Highway Superintendent and the proper authorization will be pursued prior to construction.
- Concerns communicated at the preliminary discussion at the Planning Board’s July meeting were visibility from Knapp Rd. and neighboring residential properties, and glare. A glare study has been completed and three areas around the perimeter triggered visibility mitigation: 1) Southwest corner of West site; 2) Southeast corner of East site; 3) Eastern edge of East Site.
- Two rows of alternating 6/7 ft. tall firs and cedars will be planted, which will mature to well above that within 5-7 years. Visuals have been created to show what the site will look like from different vantage points.

- To address additional visual impact, there will also be a 7 ft. high chain link fence with green vertical plastic slats to create a solid buffer, so the entire southern aspect of the project will have vegetative buffering and a chain link fence with vertical slats.
- Mr. Uebelhoer suggested planting the trees on a 6 ft. berm. Mr. Fishel said the berm would have a more negative effect on drainage than the slats.
- Mr. Kuras wondered who would maintain slabs. Mr. Fisher said that they didn't require much maintenance
- Mr. Fisher went through various vantage point visuals, which showed no buffering, at planting, and 5-7 years of tree growth.
- County approved the applications, stating (for both): The proposed solar energy system should pose no significant county-wide or intercommunity impact. The project site will be located on land enrolled in the NYS Agricultural District Program, however, the project avoids prime agricultural soils and active agricultural land. In addition, the driveway is proposed on existing field laneways, thus minimizing any impacts to the existing fields.
- Construction duration would be about 12 months. There would only be about three months of heavy construction. The fence could go up before construction begins. There will be no large earth-moving activities, some stripping of vegetation but no stripping of topsoil with the panels screwed into the ground.
- Mr. Schneider said that NYS is making a big push for renewals. A lot of projects in the state are not allowing public input.
- This is a community solar project, so everyone in the community can benefit. Although the sub-station is in Erie County, National Grid will let it benefit others.
- Mr. Kuras noted that the camera shots in the visuals were not taken at a high enough angle to show a true depiction of the visual impact.
- A habitat study has been done, concluding there would be no impact on endangered species.
- There would be a motion detector light, but no barbed wire or security cameras.
- There will be 10 feet between rows of panels, with a 25 ft. perimeter space.
- Mr. Miles, the owner of the parcels in question, who is leasing the property to Borrego, said that, over the years, he has refused many other offers of development, particularly housing.
- Maryanne Wiater wondered if the Town required a Posting of Performance Bond. Mr. Fisher answered that, typical of such projects, a decommissioning bond is required, giving assurance to the Town that, beyond the terms of the lease of 25 years, if Borrego goes out of business the Town can draw from the bond.
- Ms. Wiater also expressed that this type of development is commercial and should be kept in a commercial area and/or along an arterial highway. Otherwise, a wrong precedence is being set.
- Resident concerns expressed and discussed included: closeness of boundary, including trees and fence, to property lines; direction and intensity of glare; replacement of trees if they die or fall; outlook for residences (many said they moved to the Town specifically for a country view); depreciation of property values; disruption of wildlife; water drainage; land leaching; release of chemicals into air or soil; noise.
- Some of the residents as well as board members wondered why the location on Knapp Rd. in an AG/R district was chosen. Mr. Fisher explained it was because it has a south-facing slope and was near a sub-station, so power won't be stored but go directly into grid.
- Mr. Fisher addressed the question about the risk of any chemicals being released, saying that the panels to be used are silicon and glass, with no toxic materials.
- Mr. Uebelhoer reiterated that all residents within 500 feet will be re-notified. He suggested that, before the next meeting, residents write out their concerns and send to the Zoning Officer,

Planning Board Chairman, or Town Supervisor, so they can be forwarded to Borrego for mitigation of those concerns.

Public Present: Yes

Motion to leave the Public Hearing open made by Mr. Uebelhoer and seconded by Mr. Kutter.
Voice Vote: ALL AYES-MOTION CARRIED

Old Business: None

New Business: None

A MOTION to adjourn the meeting was made by Mr. Uebelhoer and seconded by Mr. Kuras.
Voice Vote:
ALL AYES—MOTION CARRIED.

Meeting Closed at 8:37pm.
Respectfully Submitted,
Diane Denton, Secretary
Jim Uebelhoer, Chairman

These minutes were approved by the Town of Pembroke Planning Board September 25, 2019