



**THE TOWN OF PEMBROKE
PLANNING BOARD**

1145 Main Rd., Pembroke, NY 14036

Minutes for the regular meeting held on October 30, 2019

ATTENDANCE:

- Jim Uebelhoer — Chairman
- David Knupfer — Vice Chairman
- Cheyanne Seelau
- Thomas Marshall
- Philip Conti
- Greg Kuras
- Diane Denton — Secretary
- Thomas Schneider - Zoning Officer

PUBLIC PRESENT: Yes

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

MOTION TO APPROVE the Minutes from September 25, 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
Ice Cream Shop
Amanda Smith

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

PUBLIC HEARING was opened at 7:04pm. The Notice of Public Hearing ran in the Batavia Daily News October 18, 2019, was posted on the Town’s Bulletin Board, and letters were sent to adjoining property owners within 500 feet.

- Ms. Smith was present. She is applying for a Special Use Permit to run an ice cream shop at 9114 Allegheny Rd. The building and location previously were a hair salon and, before that, an ice cream shop/restaurant.

- County approved the application, stating: the proposed ice cream shop should pose no significant county-wide or inter-community impact.
- Ms. Smith would like to include a drive-thru on the south side of the building away from vehicle parking, as was proposed with the previous ice cream stand but never implemented. The drive-thru window is already part of the building and the driveway is still there, in need of clearing and more stone.
- The proposed drive-thru driveway should accommodate about fifteen cars, hopefully avoiding any spill-out onto the road. Mr. Schneider noted drive-thrus are allowed in LC.
- Ms. Smith said the business would be seasonal, from about April 1st until the middle/end of October. She would be selling only ice cream, no other food.
- It was mentioned that there should be clear directional signage for the drive-thru.
- Ms. Smith said she would probably have one table inside, with some picnic tables outside on the north side within a fenced-in area.
- Mr. Uebelhoer suggested that, for safety and insurance purposes, pylon posts should be installed to protect pedestrian customers purchasing ice cream and, also, to prevent cars driving into the building.
- It was discussed that the previous driveway for a drive-thru be used, as it provided a wide enough turn for vehicles. Mr. Schneider said he would provide Ms. Smith with a photograph taken in 2006 of that driveway for her to use as a template.
- Ms. Smith said she would use lighting already on building. Mr. Schneider advised that it must be directed downwards so it wouldn't adversely affect neighboring properties or the road.

Public Present: Yes—applicant.

Motion to Close the Public Hearing @ 7:17pm made by Mr. Uebelhoer and seconded by Ms. Seelau.

Voice Vote: ALL AYES-MOTION CARRIED

On **MOTION** made by Mr. Knupfer and seconded by Mr. Kuras to make a **negative Declaration on the SEQR Long Form.**

ROLL CALL VOTE: Ms. Seelau-Aye; Mr. Marshall-Aye; Mr. Uebelhoer-Aye; Mr. Knupfer-Aye; Mr. Conti-Aye; Mr. Kuras-Aye
Six (6) AYES; No (0) NAYS—**MOTION CARRIED**

On **MOTION** made by Mr. Uebelhoer and seconded by Ms. Seelau **to approve the Site Plan & Special Use Permit with the following stipulations:**

- **Use 2006 template/specs for drive-thru driveway.**
- **Provide proper directional signage for drive-thru area.**

ROLL CALL VOTE: Mr. Marshall-Aye; Mr. Uebelhoer-Aye; Mr. Knupfer-Aye; Mr. Conti-Aye; Mr. Kuras-Aye; Ms. Seelau-Aye;
Six (6) AYES; No (0) NAYS—**MOTION CARRIED**

Informational
Possible Recycle Business
Larry and Melissa Zanghi
Allegheny Rd./Rt. 77 (previously a gas station)

- Larry and Melissa Zanghi are considering applying for a recycling business, but first wanted to see if the Planning Board was open to it. It would be a service center for the drop off of recyclables (i.e. small scrap metal), which would then be sorted into bins for someone—like Ed Arnold—to take. It would be an operation similar to the ARC's in Batavia, but without any charge for what is dropped off.
- Mr. Schneider noted there was nothing in Zoning Law to cover such an operation.
- The Zanghis would put up a small shed, probably about 16ft. x 24ft. where the sorting would take place.
- The board was concerned about the bins being placed outside under the structure's awning, accessible at all times, even when the business wasn't open and there was no control over what was being dropped off, potentially becoming an eyesore and even a safety issue. It was suggested the bins be hidden with fencing and locked up when the business was closed.
- The property is only 1.7 acres, possibly too small a space for such a business. Also, it is a very visible location. Mr. Schneider and Mr. Uebelhoer felt that, as code was presently defined, such a business wasn't allowed in LC, that it would be more appropriate in an Industrial district.
- The board felt they needed more information on the proposal, including a site plan. Mr. Schneider thought the application would also have to go before the Zoning Board of Appeals.

Old Business: None

New Business:

Dawn Kuras was concerned about TM# 12.-1-44.112 on the corner of Indian Falls Rd. and N. Pembroke Road being up for sale, potentially affecting the drainage on her neighboring property if a house was built on it. Mr. Schneider mentioned that it had enough frontage, about 400 ft. on Indian Falls Rd. and N. Pembroke Rd. combined. Ms. Kuras mainly wanted her concern to be on record, so that drainage would have to be addressed. If she waited until construction had begun, it might not be.

The meeting was kept open for a discussion with Planning Board Members regarding the Comprehensive Plan.

Discussion:

Mr. Schneider has been working on redoing the Town's Comprehensive Plan. The original plan was done in 1997, with an Addendum in 2007. Those plans combined were about \$45,000 outlaid for the Town. Mr. Schneider wanted to have a working draft for others to review, to see if he was on the right track with revising the plan. Committee members are Jim Uebelhoer, Phil O'Neil, Maryanne Waiter, Deb Conti, Phil Conti, Warren Clark, Larry Reisdorf, and Mark Zimmerman. Maryanne Waiter thanked Mr. Schneider for all the hard work he had put in. She felt that the town was at a crossroads in its vision for the future. Mr. Schneider noted that the other two plans took note of the rural character of the town, keeping everything agricultural and residential except on the

arterial highways: RT 77, 5, and 33 and limited scale business such as Home Occupations. Ms. Waiter added that the current plan views the town as basically a bedroom community in an Agricultural area. She was interested in hearing the Planning Board members' vision on the future of the town. Mr. Conti noted that he would like the country-feel of the town preserved. Mr. Uebelhoer agreed but also thought the Town should encourage business in the proper areas, i.e. on RT. 5 and 77.

Mr. Schneider looked at the plan as a kind of selling document. It was agreed to have at least one more recommendation meeting with the Planning Board, to allow its members to review the revised plan, before it is presented to the public and the Town Board considers adopting it.

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

Voice Vote:

ALL AYES—MOTION CARRIED.

Meeting Closed at 8:45pm
Respectfully Submitted,
Diane Denton, Secretary
Jim Uebelhoer, Chairman

These minutes were approved by the Town of Pembroke Planning Board November 27, 2019