



**THE TOWN OF PEMBROKE
PLANNING BOARD
1145 Main Rd., Pembroke, NY 14036
Minutes for the regular meeting held on July 27, 2016**

ATTENDANCE:

- Chairman—Thomas Schneider
- Vice Chairman—David Knupfer
- Mike Bakos
- Richard Kutter
- Marie Vaughn
- Diane Denton—Acting Recording Secretary

PUBLIC PRESENT: Yes

MEETING called to order at 7:40pm.
Chairman Schneider led the “Pledge of Allegiance”.

One correction to Minutes from April 27, 2016 on Resolution Motion to recommend maintaining existing Zoning Codes pertaining to Motor Vehicle Repair: **Greg Kuras voted Nay.**

A MOTION TO APPROVE the Minutes from April 27, 2016 with correction made by Chairman Schneider; second to motion was made by Ms. Vaughn.

Voice Vote: ALL AYES—MOTION CARRIED.

**Public Hearing
Special Use Permit**

Brandon Alexander
1660 Indian Falls Rd., Town of Pembroke
Tax Map # 12.-1-67
Zoning District: AG/RES
Required referral to Genesee County

PUBLIC HEARING was opened at 7:45pm. The Notice of Public Hearing ran in the Batavia Daily News July 14, 2016, was posted on the Town’s Bulletin Board, and letters were sent to adjoining property owners within 500 feet.

- No one was present to represent Brandon Alexander, who is currently in the Marines and deployed. His father could not attend, as his mother was in the hospital.

- Bob Alexander has transferred the property to Brandon Alexander.
- Applicant is requesting a Special Use Permit to convert a portion of the garage into an efficiency one bedroom apartment. As there is already an apartment in the house, a second one would fall under Zoning Codes Schedule A for a multi-family residence in AG/RES.
- County recommended approval with a required modification that the applicant obtain documentation from the County Health Department regarding the adequacy of the existing septic system. They noted that with this required modification, the proposed efficiency apartment should pose no significant county-wide or inter-community impact.
- A few letters were received and all expressed approval of Mr. Alexander’s proposal.
- Donna Elliott was present to make sure that approval of the proposed apartment didn’t mean the zoning for the area would be changed. Chairman Schneider assured that it wouldn’t. Otherwise she hadn’t any problem with Mr. Alexander’s proposal.
- Although not present, board member Mr. Kuras had expressed a concern to the Chairman about making sure that the proposed apartment above a garage met safety requirements. Chairman Schneider said that safety was an issue for Charlie Reid and the fire department. It seems the original structure was built with the idea of adding an apartment above at some point.

Public Present: Neighbors: Donna Elliott and John McCormick

Motion to Close the Public Hearing made by Mr. Kutter and seconded by Mr. Bakos.

ROLL CALL VOTE: Mr. Bakos-Aye; Mr. Kutter-Aye; Mr. Knupfer-Aye; Ms. Vaughn-Aye; Mr. Schneider-Aye

ALL AYES-MOTION CARRIED

The Public Hearing Closed at 7:50pm

On **MOTION** made by Mr. Kutter and seconded by Ms. Vaughn to make a **negative Declaration on the SEQR short form.**

ROLL CALL VOTE: Mr. Bakos-Aye; Mr. Kutter-Aye; Mr. Knupfer-Aye; Ms. Vaughn-Aye; Mr. Schneider-Aye

ALL AYES-MOTION CARRIED

On **MOTION** made by Mr. Kutter and seconded by Mr. Bakos **to approve the Special Use Permit** based on County’s recommendation and required modification:

- **Applicant must obtain documentation from the County Health Department regarding the adequacy of the existing septic system.**

ROLL CALL VOTE: Mr. Bakos-Aye; Mr. Kutter-Aye; Mr. Knupfer-Aye; Ms. Vaughn-Aye; Mr. Schneider-Aye

ALL AYES-MOTION CARRIED

Public Hearing Special Use Permit

Donald Barone

8823 Lake Rd., Town of Pembroke

Tax Maps # 18.-2-37

Zoning District: AG/RES

Required referral to Genesee County

PUBLIC HEARING was opened at 7:55pm. The Notice of Public Hearing ran in the Batavia Daily News July 14, 2016, was posted on the Town's Bulletin Board, and letters were sent to adjoining property owners within 500 feet.

- Donald Barone was present. He is requesting a Special Use Permit for a home-based business for wholesale of statues and light fixtures (by order online) and furniture refinishing. He is asking for office and storage space and plans to put up a 2400 sq. ft. accessory structure.
- Mr. Kutter noted that a Home Occupation has to be part of the main structure.
- Chairman Schneider read from the Zoning Law regarding Home Occupations and Skilled Trade Shops.
- Mr. Barone currently operates his business at 846 Main Rd. where he also has a gas station. His wife is handicapped and he currently has to go back and forth throughout the day to care for her, which is why he would like to work from home. He is hoping to eventually sell/lease the gas station.
- Zoning Law states that furniture restoring falls under Skilled Trade Shop, which is allowed in AG/RES off the arterial Highway. The statues and lighting fixture could not be displayed outside, so there would need to be enough space to store them inside. Under Zoning Law, a Skilled Trade Shop must be limited to 500 ft. in a structure no larger than 2000 sq. ft.
- Mr. Barone would need to get an area variance through the Zoning Board of Appeals for the proposed accessory building of 2400 sq. ft.
- Some neighbors were present who hadn't any problem with Mr. Barone constructing the accessory building, but were concerned with potential pollution in the air or creek from any chemicals he might be using. Chairman Schneider said any chemical use would have to meet State requirements and that the board could add a stipulation that the building have an air scrubber or some kind of filtration.
- Neighbors also had a question regarding any truck delivery and drainage tile.
- Mr. Barone doesn't make the statues and light fixtures, but does detailing on them. Board thought that even if he didn't do furniture refinishing, he would be using chemicals to do some finishing on the statues and light fixtures.
- Mr. Bakos had questions on the delivery of the statues and light fixtures. Mr. Barone said they were delivered a couple of times a year by a full semi. He would need to increase his driveway to accommodate those deliveries.
- Mr. Schneider said that Mr. Barone should not at this point settle for a situation that might not be sufficient for his business in the future.
- The accessory building Mr. Barone is proposing needs to be 75 ft. back from the road. The plans for its construction show it would be set back 80 ft.
- The board decided to leave the Public Hearing open until August, so that Mr. Barone's application could be resent to County for an area variance. Chairman Schneider set Monday (August 1) at 11:00am to meet with Mr. Barone and Charlie Reid. The new application needs to be sent to County by 5pm on Wednesday, August 3.

Motion to leave the Public Hearing open until the board's August 31st Meeting was made by Mr. Bakos and seconded by Mr. Kutter.

Voice Vote: All Ayes—motion passed.

New Business: Mr. Kutter was wondering about a property on Main St. approximately 200 ft. past Lake Rd. going East on left side of the road: there are trucks and cars parked outside, seemingly for sale. Chairman Schneider said he would ask Charlie Reid about it.

Old Business: None

A MOTION to adjourn the meeting was made by Mr. Bakos, and seconded by Ms. Vaughn.
ALL AYES—MOTION CARRIED

Meeting Closed at 9:06 pm.
Respectfully Submitted,
Diane M. Denton,
Acting Recording Secretary
Thomas Schneider Chairman

Approved by the Town of Pembroke Planning Board 8/31/16