



**THE TOWN OF PEMBROKE
PLANNING BOARD**

1145 Main Rd., Pembroke, NY 14036

Minutes for the regular meeting held on February 22, 2017

ATTENDANCE:

- Thomas Schneider—Chairman
- David Knupfer—Vice Chairman
- Michael Bakos
- Greg Kuras
- Diane Denton—Acting Recording Secretary

PUBLIC PRESENT: Yes

MEETING called to order at 7:30pm.
Chairman Schneider led the “Pledge of Allegiance”.

A MOTION TO APPROVE the Minutes from December 28, 2016 made by Mr. Knupfer; second to motion was made by Mr. Kuras.

Voice Vote: ALL AYES—MOTION CARRIED.

Public Hearing

Randy Filter

Special Use Permit/Skilled Trade Shop

1661 Indian Falls Rd., Town of Pembroke

Tax Map # 12.-1-105

Zoning District: AG/RES

Required Referral to Genesee County

PUBLIC HEARING was opened at 7:31pm. The Notice of Public Hearing ran in the Batavia Daily News February 1, 2017, was posted on the Town’s Bulletin Board, and letters were sent to adjoining property owners within 500 feet.

- When Mr. Filter originally submitted his application in August 2016 for a Special Use Permit to build canoes and small boats for retail stores and possible internet sales, he was issued a Temporary one valid for six months with the option of renewing it for another six months or permanently.
- His current application for a permanent Special Use Permit was not sent to County as nothing changed in Mr. Filter’s proposal to alter their approval of his original application.
- Mr. Filter was present to update the board on how his Skilled Trade Shop business is progressing. He has put gravel in for a driveway back to his workshop, created a logo, designed his first boat and started building it. He showed pictures, including one of two separate loads of similar boats,

from other companies that started small, on a small pickup and a trailer. Also, he offered photos of storage solution examples with boats stacked on top of each other in a small space.

- He hasn't completed a mold around the wood structure called a plug or started the epoxy process yet, and, so, hasn't sold any.
- Two responses were received from the neighbors. One hadn't any problem with Mr. Filter's proposal as long as there wasn't a lot of noise or employees. The other, from the Seavers, his neighbors to the west, was opposed, complaining that Mr. Filter applied and registered for a LLC as Tonawanda Creek Canoe Company back in July 2016 before the first Public Hearing on his application. They also said they had experienced noise and smells, and were opposed to a business in a residential neighborhood.
- Chairman Schneider said that the Seavers' was the first complaint they had received from anyone. He explained that a Skilled Trade Shop (for certain limited impact businesses) is allowed in AG/RES districting and there was nothing to stop Mr. Filter from registering his business as an LLC before the Planning Board heard his application for a Skilled Trade Shop at his residence.
- Chairman Schneider did talk to Bob Alexander, Mr. Filter's neighbor across the road and he was fine with the proposal as long as concerns about toxic materials were addressed. Chairman Schneider said he would get Mr. Filter to fill out a toxic material form.
- Daniel Jackson, who just bought and moved into the house to the east of Mr. Filter, was present. He noted his property was closer to Mr. Filter's than the Seaver's. He hadn't heard any noise from Mr. Filter's shop and didn't have concerns. On a personal basis, for privacy, he thought it might be a good idea for Mr. Seaver to plant some trees or a privacy hedge—purely on a voluntary level, not to be written into any restrictions.
- Mr. Kuras wondered if Mr. Filter was building canoes or boats or both. Mr. Filter said that for now he was building canoes, but in the future might want to also build small boats.
- Mr. Filter does not want any signage for his business. His goal is to sell through the retailer Oak Orchard Creek, the only noticeable activity at his residence being the loading of canoes/boats for delivery.
- Mr. Knupfer commented that the Seavers offered no specifics about noise and smells and that they weren't there to give more details. Mr. Filter said that he couldn't answer their complaint about smells unless he was given a specific incident or time.
- Chairman Schneider said they could use the original SEQR. He read from the extensive conditions placed on a Skilled Trade Shop as listed in Zoning Law. He also read from County's determination with modifications.
- Mr. Kuras wondered if internet sales fall into retail sales. Chairman Schneider said it was something for enforcement to monitor, that if a lot of people were coming and going it might be an issue.

Public Present: Yes

Motion to Close the Public Hearing @ 7:52pm made by Mr. Schneider and seconded by Mr. Kuras.
Voice Vote: ALL AYES—**MOTION CARRIED.**

On **MOTION** made by Mr. Schneider and seconded by Mr. Knupfer to make a **negative Declaration On the SEQR short form.**

ROLL CALL VOTE: Mr. Bakos-Aye; Mr. Knupfer-Aye; Mr. Kuras-Aye; Mr. Schneider-Aye

ALL AYES-MOTION CARRIED

On **MOTION** made by Mr. Schneider and seconded by Mr. Knupfer to **approve the Special Use Permit for a Skilled Trade Shop with the following stipulations:**

- **County Planning’s recommendations are met**
- **Provide a hazardous materials listing for any hazardous materials kept on site**
- **Subject to criteria as listed in Section 514 of Zoning Law**

ROLL CALL VOTE: Mr. Bakos-Aye; Mr. Knupfer-Aye; Mr. Kuras-Aye; Mr. Schneider-Aye
ALL AYES-MOTION CARRIED

**Rescind Special Use Permit
Pamela Cox/Wild Goose Garden & Flower Center
2109 Angling Rd., Town of Pembroke
Tax Map # 24.-1-34**

- Ms. Cox returned Special Use Permit renewal form indicating she was no longer operating the business.

On **MOTION to rescind Special Use Permit** made by Mr. Knupfer and seconded by Mr. Kutter.

ROLL CALL VOTE: Mr. Bakos-Aye; Mr. Knupfer-Aye; Mr. Kuras-Aye; Mr. Schneider-Aye
ALL AYES-MOTION CARRIED

Old Business: None

New Business: Should have a full meeting next month with two ponds and wind energy applications.

Jim Uebelhoer, who was present, will probably be the next chairman of the Planning Board. The plan is to let him serve as an alternate for a few months first. Chairman Schneider has been working with Charlie and the Supervisor about twenty hours per week. Once off the board he will do more code enforcement.

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

Meeting Closed at 8:12 pm.
Respectfully Submitted,
Diane M. Denton,
Acting Recording Secretary
Thomas Schneider Chairman

These minutes were approved by the Town of Pembroke Planning Board March 29, 2017