



**THE TOWN OF PEMBROKE
PLANNING BOARD**
1145 Main Rd., Pembroke, NY 14036
Minutes for the regular meeting held on March 29, 2017

ATTENDANCE:

- Thomas Schneider—Chairman
 - Michael Bakos
 - Greg Kuras
 - Marie Vaughn
 - Cheyanne Seelau
 - Jim Uebelhoer
- Diane Denton—Acting Recording Secretary

PUBLIC PRESENT: Yes

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

Two alternates, Cheyanne Seelau and Jim Uebelhoer are sitting in for absent Board members Linda Rindell and Dick Kutter.

It was noted that in the Minutes from the last meeting new alternate Jim Uebelhoer’s name in “New Business” section was misspelled.

**A MOTION TO APPROVE the corrected Minutes from February 22, 2017 made by Mr. Kuras; Second to motion was made by Mr. Bakos.
Voice Vote: ALL AYES—MOTION CARRIED.**

Public Hearing

**United Wind Ltd. /Renee Franclemont
Special Use Permit for Wind System
9079 Allegheny Rd., Town of Pembroke
Tax Map # 23.-1-12.1
Zoning District: AG/RES and LC
*Required Referral to Genesee County***

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

- Two representatives of United Wind Ltd. were present: Ryan Storke and Kazumch Suzuki. Their application is for a 140 ft. self-supporting lattice tower for a wind turbine on property owned by Renee Franclemont.
- The application was approved by County with no modifications.
- At 308 ft. back from Allegheny Rd. it meets required setback. In comparison to the height of other wind systems in the Town, it's pretty similar. There isn't a plan for it to have a warning light; none of the other wind systems in Town have one. The last tower approved in town was a cell phone tower at 180 ft. and no light was required on it.
- Mr. Uebelhoer requested that United Wind notify Mercy Flight. Mr. Storke said they would. They also register the system with the FAA, although it is voluntary to do so when a system is 200 ft. or less.
- Time frame for construction would be about two months. There isn't a dedicated road to it, but United Wind would put in a temporary one during construction.
- There was a question from the public regarding what other wind systems were in the Town. There are two; Lynn Schafer on Gabbey Rd. and the horse farm on Rt. 5 down past Cleveland Rd.
- One letter was received from Robert Babel who had concerns about noise pollution, system being too large for a 10 acre lot, its location not far enough from neighboring houses, and that it would lower the value of his property. Mr. Storke addressed all these concerns: noise at no more than 52 decibels, even with high winds, meets requirement; no documentation has been done in the US of effect on property valuation of adjoining properties (Ms. Franclemont's property value will go up); and that it was unlikely that Mr. Babel's property would experience any shadow from the system, keeping in mind there is already a lot of shading from trees in the area.
- Ms. Seelau had a question about whether the lease of the equipment is transferable to a new owner. Mr. Storke explained the lease of the equipment goes with the property. If a new owner didn't want the system, the seller, Renee Franclemont would be responsible for the cost of getting it removed and ending the lease.
- Mr. Uebelhoer wondered how much electricity would be supplied by the system. Mr. Storke said it should provide 60-70% of the Franclemont's annual use.

Public Present: Yes

Motion to Close the Public Hearing @ 7:50pm made by Mr. Bakos and seconded by Ms. Seelau.

Voice Vote: ALL AYES—**MOTION CARRIED.**

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

ROLL CALL VOTE: Mr. Bakos-Aye; Ms. Seelau-Aye; Mr. Uebelhoer-Aye; Ms. Vaughn-Aye; Mr. Kuras-Aye; Mr. Schneider-Aye

ALL AYES-MOTION CARRIED

On **MOTION** made by Mr. Schneider and seconded by Mr. Uebelhoer **to approve the Special Use Permit for a non-commercial Wind Energy System with the following conditions:**

- **FAA and Mercy Flight are notified**
- **Letters sent to local Corfu and Pembroke Fire Departments notifying them of installation.**

ROLL CALL VOTE: Mr. Bakos-Aye; Ms. Seelau-Aye; Mr. Uebelhoer-Aye; Ms. Vaughn-Aye; Mr. Kuras-Aye; Mr. Schneider-Aye
ALL AYES-MOTION CARRIED

Public Hearing
Ian Rusiniak
Special Use Permit
for Private Use Pond and Single-Family Dwelling
1938 Main Rd., Town of Pembroke
Tax Map # 20.-1-18

PUBLIC HEARING was opened at 7:55pm. The Notice of Public Hearing ran in the Batavia Daily News March 7, 2017, was posted on the Town’s Bulletin Board, and letters were sent to adjoining property owners within 500 feet.

- Application was originally for a Special Use Permit for the installation of a pond only; now also for the future construction of a single-family dwelling.
- For DEC land disturbance purposes, Mr. Rusiniak has revised the plans for the pond to keep it just under an acre.
- Front corner of property is wetlands, so Mr. Rusiniak will make sure they don’t disturb that section of the property. The Department of Soil and Water gave their approval.
- The application was approved by County with the following modification: “Given that the project will disturb one or more acres of land, the required modification is that the applicant shall complete a Stormwater Pollution Prevention Plan (SWPPP) prior to final approval from the Town per NYS Dept. of Environmental Conservation (DEC) requirements, or the applicant reduce the size of the disturbance. With this required modification, the proposed pond should pose no significant county-wide or inter-community impact.”
- Although there is main water in this location, this property is not in Smart Growth, which means water hook-up is not guaranteed. Mr. Rusiniak will have to write a letter if/when he takes out a building permit for house.
- Chairman Schneider wondered if the board should approve the construction of a house when it isn’t definite. Mr. Rusiniak said that it was unlikely to happen this year. If built, it would need to meet all setbacks, etc.
- Mr. Rusiniak said his first step is to put in pond. He won’t be removing any soil from property.
- No letters were received from neighboring properties.
- The pond would be more than 100 feet from right of way and side lot.

Public Present: Yes

Motion to Close the Public Hearing @ 8:05pm made by Ms. Vaughn and seconded by Mr. Kuras
Voice Vote: ALL AYES—**MOTION CARRIED.**

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

ROLL CALL VOTE: Mr. Bakos-Aye; Ms. Seelau-Aye; Mr. Uebelhoer-Aye; Ms. Vaughn-Aye; Mr. Kuras-Aye; Mr. Schneider-Aye
ALL AYES-MOTION CARRIED

On **MOTION** made by Mr. Bakos and seconded by Mr. Kuras **to approve the Special Use Permit for a private use Pond less than one acre based on County's recommendations:**

- **Built to the Department of Soil and Water's recommendations.**

ROLL CALL VOTE: Mr. Bakos-Aye; Ms. Seelau-Aye; Mr. Uebelhoer-Aye; Ms. Vaughn-Aye; Mr. Kuras-Aye; Mr. Schneider-Aye
ALL AYES-MOTION CARRIED

Public Hearing
Heather Adams
Special Use Permit for Dog and Owner Training
9026 Lake Rd., Town of Pembroke
Tax Map # 18.-1-74

PUBLIC HEARING was opened at 8:10pm. The Notice of Public Hearing ran in the Batavia Daily News March 7, 2017, was posted on the Town's Bulletin Board, and letters were sent to adjoining property owners within 500 feet.

- Ms. Adams originally applied for Home Occupation for dog obedience and agility training. It was decided a better plan would be to add use of Animal Care and Training to all districts. This addition to Zoning Law has gone through and been approved by County Planning and the Pembroke Town Board.
- There was one letter received from John Yancey, who owns a neighboring property. He is concerned about barking and where on the property the dog training would take place. Mr. Yancey rents out the property and doesn't live there.
- Country recommended approval with no modifications.
- Ms. Adams said she still plans to do the training indoors in her pole barn. Eventually she might do some outdoors, but she would need to put up fencing. She doesn't have immediate plans to do so.
- Most of the classes would be for four dogs. The maximum would be six. There shouldn't be much noise, as the training she does is to prevent barking. The floor in the barn is concrete, but she plans to put agility padding on it. She would give classes a couple of evenings per week and on some Saturday mornings. There is a gravel driveway to the barn, which is far back from the road, and ample parking behind it.
- Ms. Adams noted there is a commercial property next door to hers, with trucks pulling in and out at all hours.
- Ms. Adams said she didn't want a sign. She prefers to advertise through the internet and an animal hospital. Her proposal meets all Zoning Law requirements.

Public Present: Yes

Motion to Close the Public Hearing @ 8:20pm made by Ms. Vaughn and seconded by Mr. Uebelhoer

Voice Vote: ALL AYES—MOTION CARRIED.

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

ROLL CALL VOTE: Mr. Bakos-Aye; Ms. Seelau-Aye; Mr. Uebelhoer-Aye; Ms. Vaughn-Aye; Mr. Kuras-Aye; Mr. Schneider-Aye
ALL AYES-MOTION CARRIED

On **MOTION** made by Mr. Schneider and seconded by Mr. Kuras to **approve the Special Use Permit for Animal Care and Training:**

- **If outdoor training will take place, a revised site plan must be submitted to the board.**

ROLL CALL VOTE: Mr. Bakos-Aye; Ms. Seelau-Aye; Mr. Uebelhoer-Aye; Ms. Vaughn-Aye; Mr. Kuras-Aye; Mr. Schneider-Aye
ALL AYES-MOTION CARRIED

Old Business: Tim Hortons is about to file building permit. Corfu moved 35 mph speed limit to north of the Dollar General.

New Business: None

Discussion: Talking about “Tiny Houses”.

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

Meeting Closed at 8:40 pm.

Respectfully Submitted,
Diane M. Denton,
Acting Recording Secretary
Thomas Schneider Chairman

These minutes were approved by the Town of Pembroke Planning Board 4/26/17