



**THE TOWN OF PEMBROKE
PLANNING BOARD**
1145 Main Rd., Pembroke, NY 14036
Minutes for the regular meeting held on May 31, 2017

ATTENDANCE:

- Thomas Schneider—Chairman
- David Knupfer—Vice Chairman
- Michael Bakos
- Richard Kutter
- Cheyanne Seelau
- Jim Uebelhoer—Alternate
- Linda Rindell—Alternate
- Diane Denton—Acting Recording Secretary

PUBLIC PRESENT: Yes

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

Alternate, Linda Rindell, sat in for Marie Vaughn and Alternate, Jim Uebelhoer, sat in for Greg Kuras.

A MOTION TO APPROVE the Minutes from April 26, 2017 made by Mr. Uebelhoer; Second to motion was made by Mr. Kutter.

Voice Vote: ALL AYES—MOTION CARRIED.

Public Hearing (left open from 4/25/17)

Eric Von Kramer

Special Use Permit & Site Plan Review

2404 Pratt Rd., Town of Pembroke

Tax Map # 17.-1-40.1

Zoning District: AG/RES

Required Referral to Genesee County

- Mr. Von Kramer was present. He is planning on having office in his house and doesn't intend to have any cars on display outside.
- Mr. Uebelhoer wondered if Mr. Von Kramer, in regards to his business, would have people coming to his house. Mr. Von Kramer said he would.
- Mr. Von Kramer has to display his name and DMV sign on shop (not on house).
- Mr. Schneider said that, per the Special Use Permit, it didn't matter if the office was in Mr. Von Kramer's house or an accessory building like his barn.

- Mr. Von Kramer said the office has to be approved by the DMV.
- The discussion the previous month was about not limiting Mr. Von Kramer to zero cars.
- Mr. Kutter thought Mr. Von Kramer didn't need to have cars as the brokerage business is out of his home. Mr. Von Kramer took issue with the term "brokerage", which was how Mr. Schneider suggested the business be identified as Zoning Law specifically precludes motor vehicle sales and service in the definition of Home Occupation. Mr. Schneider thought this was the best approach as Mr. Von Kramer would be facilitating the transfer (often via the internet) of a vehicle from one person to another whether or not the vehicle was on his property.
- Mr. Knupfer agreed that calling his business a "brokerage" was a good way to slide it through. He thought it made sense to allow one (unlicensed) car on his property to conform to what other residents can have.
- DMV requirements don't have anything to do with the Planning Board.
- The Board thought it made sense to put a stipulation on the Special Use Permit stating there wouldn't be more than two cars for sale on display at any given time.
- Mr. Schneider said that the DMV wants to see that Mr. Von Kramer has gone through the town to receive a Special Use Permit for his car sales business, whether he calls it a "brokerage" or "auto dealer".
- One unfavorable letter was received from a neighbor.

Public Present: Yes

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

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

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

ROLL CALL VOTE: Mr. Bakos-Aye; Ms. Rindell-Aye; Mr. Kutter-Aye; Mr. Schneider-Aye; Mr. Knupfer-Aye; Ms. Seelau-Aye; Mr. Uebelhoer
ALL AYES-MOTION CARRIED

On **MOTION** made by Mr. Uebelhoer and seconded by Mr. Kutter **to approve the Special Use Permit based on County's recommendation for an auto brokerage business with the following restrictions:**

- **No car repair**
- **Signage per Zoning: 2 signs, 6 sq. ft. each (DMV signs are required by the state and not included in the signage allowed with the Special Use Permit.)**
- **No more than two vehicles displayed outside at any given time**

ROLL CALL VOTE: Ms. Rindell-Aye; Mr. Kutter-Aye; Mr. Schneider-Aye; Mr. Knupfer-Aye; Ms. Seelau-Aye; Mr. Uebelhoer-Aye; Mr. Bakos-Aye
ALL AYES-MOTION CARRIED

Land Separation

Randy Savage
8608 Lake Rd., Town of Pembroke
Tax Map # 18.-1-27.22 and 18.-1-27.21
Zoning District: Limited Commercial

- Applicant wishes to separate 4791 sq. ft. from TM# 18.-1-27.21 to merge with TM #18.-1-27.22. He presented a letter stating that he may act on behalf of Bill Boyce, owner of TM# 18.-1-27.1.
- Mr. Savage said he will clean up the proposed separated piece of land. All the cars currently on it will be removed by the current owner.
- Mr. Savage wants more space on his parcel for a garden and play area for his grandchildren. No special use of the land would be made.
- There would be no change in frontage of TM# 18.-1-27.22, which holds his house.
- Mr. Knupfer wondered if Mr. Savage was concerned about environmental issues that might arise from the cars, etc. Mr. Kutter said it would only be any issue if Mr. Savage needed a mortgage. Mr. Savage stated he would clean up the land of anything that was obviously hazardous.
- Mr. Savage didn't buy all of TM# 18.-1-27.21 because there might be underground gas tanks.

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

ROLL CALL VOTE: Mr. Kutter-Aye; Mr. Schneider-Aye; Mr. Knupfer-Aye; Ms. Seelau; Mr. Uebelhoer-Aye; Mr. Bakos-Aye; Ms. Rindell-Aye
ALL AYES-MOTION CARRIED

On **MOTION** made by Ms. Rindell and seconded by Ms. Seelau to **approve the Land Separation and Merger as presented:**

- **The properties must be merged, so as not to create a land locked parcel.**

ROLL CALL VOTE: Mr. Schneider-Aye; Mr. Knupfer-Aye; Ms. Seelau-Aye; Mr. Uebelhoer-Aye; Mr. Bakos-Aye; Ms. Rindell-Aye; Mr. Kutter-Aye
ALL AYES-MOTION CARRIED

Informational/Special Use Permit

The Tree Doctor/Jeffrey Phelps

Main Rd., Town of Pembroke

Tax Map # 19.-1-2.115

Zoning District: Commercial

- Applicant wishes to operate a tree service business.

- The application has gone to County for June. Felipe at County has spoken to Mr. Schneider regarding the land being archeologically sensitive and part of the State Historic District. Mr. Phelps has already contacted SHPO and they've cleared it.
- Felipe at County also expressed concerns about the wetlands on the western corner of property. Mr. Phelps told Mr. Schneider he would not disturb that area. Felipe also said there is a potential possible habitat for an endangered species. Mr. Phelps works with the DEC quite a bit, so he should be able to handle these issues.
- County said they were ok with layout and would probably approve with stipulations.

Old Business: Tim Hortons have paid for permit. Mr. Schneider said he has emailed them a number of times, but had not heard back.

New Business: None.

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

Meeting Closed at 8:23 pm.

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

These minutes were approved by the Town of Pembroke Planning Board June 28, 2017