

# Town of Norfolk Planning Board Meeting Minutes January 12, 2024

The Town of Norfolk Planning Board held a meeting Friday, January 12, 2024 at 6:15 pm, Norfolk Town Hall.

## **Call Meeting to Order**

Kate Chepeleff (chair) called the meeting to order.

## **Pledge of Allegiance**

The Pledge of Allegiance was said by all present.

## **Rollcall**

Kate Chepeleff (chair) called roll, Richard Planty, Tom Emburey, Andrew Solley, Gary Bandy - Present. Lori Queor – Not Present. Members in attendance constituted a quorum.

Also in attendance were Supervisor Charlie Pernice and Code Enforcement Officer Tim Wunder as well as Travis Villnave and Joseph Peck of the Zoning Board.

## **Adoption of Agenda**

The agenda for the meeting was reviewed by the Board. A motion to accept the agenda was made by Kate Chepeleff and seconded by Gary Bandy. All In Favor – Carried.

## **Adoption of Minutes**

Minutes from the October 19, 2023 Planning Board Meeting were reviewed. Motion by Kate Chepeleff to adopt the Minutes as presented and seconded by Tom Emburey. All In Favor - Carried.

## **Special Use Permit #6-2021 Violation at 13 West Main Street, Norfolk**

Kate Chepeleff informed the applicant, Travis Bond, who was in attendance that it had come to the attention of the Board that he was in violation of the Town Code (150-63) because he was not occupying the upstairs of the property as he had originally indicated he would be in order to meet the criteria for a Small Residential Business Special Use Permit.

Travis indicated that he had obtained a Certified of Occupancy for the downstairs part of the structure (which he described as a “garage”, which is the area the Small Residential Business Special Use Permit is for). Kate explained that this certificate did not cover the upstairs living quarters which is the requirement of the Code in order to utilize the downstairs section for running a Small Residential Business. Travis indicated that it was his intention to make this his primary residence pending the Electrical Inspection, which was supposed to happen that day but the electrical inspector did not show up. After his electrical inspection is completed, he was to inform the Norfolk Code Enforcement that the upstairs was ready for inspection, at which point he would be moving in.

Travis asked for the definition of Residence. We do not have a clear definition in the code at this time.

Kate explained that should he not meet and obtain the proper certificate of occupancy, and take up residency as required by Code, that he would be in violation of the Special Use requirements and could be subject to fines if he should continue to use (or allow the use of) the downstairs for a business after he has been officially notified that he is in violation.

After input from the Board, it was decided that since the inspections appeared to be pending, they would allow the applicant to complete the electrical inspection and obtain his certificate of occupancy in the next month and establish his residency. This allows time to resolve the issue before issuing a violation notice to cease business operations at this location.

The downstairs occupancy is only temporary until June, the certificate was issued to ensure the fire inspection was completed to ensure the public is safe in the space. If this is not resolved by June, the violation ticket will be issued.

### **Proposed Zoning Changes**

Kate Chepeleff reviewed the notice of action from the County regarding the proposed rezoning to "Commercial-Highway" of several parcels on the corner of CR39 and SH 56. One of these is currently the property owned by Parkway Properties (gas station/Tim Horton's) which has been in commercial use for many years. The others are owned by the County, Seaway Timber and Patrick Curran.

This request came about because Charlie Sipos wishes to purchase the lot next to Parkway to move his tree cutting business to, which is currently in violation of Code at his location on the Joy Road.

The other properties are in the immediate vicinity and would be of benefit to develop as Commercial, given their location and proximity to SH 56 and the existing Valero gas station and convenience store.

Kate asked for input from the Board members. Richard Planty pointed out that Charlie was already currently in violation of several Town Codes, and that he was likely to continue doing so, even if the business was relocated. There are also several houses nearby that should be taken into consideration. He stated that re-zoning a property to accommodate one person's wishes was an unwise precedent for the Town to set.

The next step would be to verify Patrick Curran and Seaway Timber have any objections in having their properties rezoned. In addition, Tim Wunder will contact Eric and Sean Thrana about rezoning their properties along SH 56 as well. Connecting the Commercial Highway zone through this area should be considered.

The next step is for the Town Board to review for approval at the next Town Board meeting.

The County approved the re-zoning with the following recommendations, that the Town:

- Clarifies what kind of business the resident plans to run after acquisition of parcel 23.002.1-13 to ensure it is a permitted use.
- Considers future uses on these parcels to better plan for the development of this intersection.
- Clarifies the reasoning for rezoning the larger parcel (23.002-1-16.11) as much of the parcel is unbuildable due to the presence of wetlands.
- May wish to limit the CH zone along SH 56 to 500' back from the centerline, similar to other CH zones in the Town.

### **Subdivision**

Kate Chepeleff asked the Board to review a referral from the County regarding the subdivision of a parcel at 405 CR 40 which straddles the Town of Louisville and Town of Norfolk lines. Kate is going to reach out to the Louisville Code Enforcement for clarification of the details surrounding this subdivision.

### **Adaptive Reuse Code Update**

Supervisor Charlie Pernice stated that this item was on the agenda for the Town Board Meeting that took place the previous evening following the County's recommendations. It was agreed that the Planning Board should proceed with addressing this through adding Section 150-41.1 entitled Planned Development District, Adaptive Reuse as recommended by the County. Kate Chepeleff and Theresa Planty will be preparing a draft for review.

### **Small Residential Business for R-H Revision**

Supervisor Pernice suggested that there should be a revision to the current Code requirements regarding Small Residential Business in R-H zone permits for Special Use to limit this section of the Code to existing structures only. This would narrow the definition of Small Residential Business to its original intended purpose of allowing a small business with minimal impact on the surrounding properties while deterring misuse of this part of the Code to circumvent normal requirements of Residential Zoning.

The Board members agreed that this could be adopted by adding to 150-58 M

- 12 The primary residence of the owner must be an existing residence and not built to suit the business.
- 13 Proof of primary residency supplied annually with AOP Renewal.

Note: The term "primary residence" will be defined.

### **Opting out of RPTL Section 487**

Supervisor Pernice explained that it was the Town's intention to opt out of RPTL Section 487 which would have granted 15-year tax-free status to properties with solar or wind energy systems. More research is needed on this subject and it will be discussed during the next Planning Board meeting.

### **Next Meeting**

The next meeting of the Planning Board is scheduled for February 5, 2024 at 6:15 pm. In addition, working meetings will be scheduled for the 4th Thursday of the month from 5:15-7:00 pm until further notice to work on Codification.

### **Meeting Adjourned**

A motion to adjourn the meeting was made by Tom Emburey and seconded by Gary Bandy. All In Favor – Carried. Meeting adjourned.

Dated: January 14, 2024

Theresa Planty, Planning Board Secretary

cc: Planning Board Chair, Town Supervisor, Code Enforcement Officer, Town Clerk