

# **Town of Norfolk Planning Board Meeting Minutes May 2, 2024**

The Town of Norfolk Planning Board held a meeting Thursday, May 2, 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. Members in attendance constituted a quorum. Also in attendance was Code Enforcement Officer, Tim Wunder.

## **Adoption of Agenda**

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

## **Adoption of Minutes**

Minutes from the April 25, 2024 Planning Board Meeting were reviewed. Gary Bandy suggested adding “The Board is also waiting for the State’s recommendations.” to the Chapter 112 section. Motion by Kate Chepeleff to adopt the Minutes as amended and seconded by Richard Planty. All In Favor - Carried.

## **Special Use Permit Application #1-2024 at 316 Co. Rt. 38, Norfolk.**

Kate Chepeleff asked the Board members to review the application made by Teresa Nichols dated April 10, 2024 to construct a dog kennel at 316 Co. Rt. 38, Norfolk NY (Tax Map#32.003-1-23). Tim Wunder presented more detailed site plans providing setbacks and measurements that were created in conjunction with the applicants.

Kate Chepeleff read the County’s recommendations regarding the application, specifically referring to section 150-58 where the setback of 200’ from the property line is required and section 150-57 regarding compatibility, traffic & parking as well as the effect on adjacent properties. A copy of the County’s recommendations as well as a copy of 150-58 was provided to the applicant.

Kate Chepeleff enquired as to the hours of operation. The applicant responded that they would be open by appointment 7 days/week between the hours of 8 am and 6 pm.

After reviewing the site plan provided, it was determined that the 150’ setback would not meet the requirements of section 150-58 and would therefore require an Area Variance application to proceed with the plans as presented.

Various Board members presented alternate options to the plan in order to achieve the required 200' setback.

When the applicants enquired about the procedure for an Area Variance application, Kate reviewed the criteria that would have to be met in order to approve the application and advised that it would be difficult for the applicant to meet those criteria with the current plan. The applicant was provided with a copy of the criteria as a reference.

After a lengthy discussion, the applicant advised that they wished to review their options to meet the required setbacks and would return to the Board with a revised site plan when they were ready to proceed. Kate Chepeleff also enquired whether they had obtained the required permits from the NYS Agriculture and Markets. The applicant has not done so yet. The Board advised that the applicant should do so, as the State requires specifications that would be helpful in the planning of the site.

Kate Chepeleff then opened the meeting to the public for comment. Several neighbors were in attendance.

Sherri Dishaw expressed her concern regarding noise issues from barking dogs. The applicant informed Sherri that the dogs would not be allowed outside at night, and that any excessive barking during the day would be handled by keeping the barking dog inside should that occur. The plan includes insulating the block walls of the kennel, and shrouding individual kennels so that the dogs can't see each other to minimize noise issues.

Kate recommended that the applicant check the decibel level at the property line with a barking dog in the approximate location of the proposed kennel to see if it falls below the 65 dB level, which is the standard for noise.

Derek Stevenson was also present and expressed his concern about the noise levels. He enquired about the possibility of selective hours of operation, as well as erecting a solid fence, or row of dense shrubs or trees to minimize issues. It was suggested by various Board members that a row of round bales of hay can also be effective at blocking noise and that all of these options should be considered before going forward.

Thanking the neighbors for their input, Kate then closed the meeting to public comment. Kate then invited the applicants to re-submit a site plan to the Board when they are ready to proceed with the application.

Kate Chepeleff made a motion to **DENY** the Special Use Permit Application as presented because it does not meet the required 200' setback at this time. Motion was seconded by Gary Bandy. All in Favor – **Carried Unanimously**

**Next Meeting**

The next meeting of the Planning Board is for codification and is scheduled for May 23, 2024 at 5:15 pm.

**Meeting Adjourned**

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

Dated: May 5, 2024

Theresa Planty, Planning Board Secretary

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