

SALISBURY PLANNING AND ZONING COMMISSION
REGULAR MEETING MINUTES
MARCH 15, 2021 6:30 PM

Remote Meeting by Live Internet Video Stream and Telephone

1 **Members Present:**

2 Dr. Michael Klemens (Chairman)
3 Debra Allee (Alternate)
4 Allen Cockerline (Regular Member)
5 Dr. Danella Schiffer (Alternate)
6 Bob Riva (Regular Member)
7 Martin Whalen (Secretary)
8 Cathy Shyer (Regular Member)
9

Member Absent:

Jon Higgins (Alternate)

Staff Present:

Abby Conroy, Land Use Administrator (LUA)
Tai Kern, Recording Secretary

10 **Brief Items and Announcements**

11

12 1. Call to Order/Approval of Agenda
13 Chairman Klemens called the meeting to order at 6:31 p.m.

14

15 2. Seating of Members & Alternates
16 All of the Regular Members were present and seated.

17

18 3. Minutes of February 8, 2021

19

20 Line 49: "spots" replaced with "parking spaces".

21

22 *Motion:* To approve the minutes of the February 8, 2021 meeting as amended.

23 Made by Cockerline, seconded by Allee.

24 Vote: 4-0-3 in favor. Riva, Whalen, and Shyer abstained.

25

26 4. Minutes of March 8, 2021

27

28 Line 119: "Debra" spelling corrected

29 Line 52: strike "matched"

30 Line 137: quotes around "cow path"

31 Line 135: add "with the following comments and observations"

32 Line 144: clarify "Lakeville Fire House site plan"

33 Line 158: add "former Lakeville Firehouse"

34 Line 168: omit "that"

35 Line 186: add "alleged"

36 Line 54: parking plan includes 10 spaces for residents

37 Line 113: add "24 feet"

38 Line 165: asked about "the use of local employment for the project"

39 Line 23: elevated to panelist

40 Line 41: Clarify as aquifer protection "area"

41

SALISBURY PLANNING AND ZONING COMMISSION
REGULAR MEETING MINUTES
MARCH 15, 2021 6:30 PM

Remote Meeting by Live Internet Video Stream and Telephone

42 *Motion:* To approve the minutes of the March 8, 2021 meeting as amended.
43 Made by Cockerline, seconded by Riva .
44 Vote: 5-0-0 in favor.

45
46 **Public Hearings - 6:45 PM**

47
48 5. #2021-0120 / Asinari / 110 Sharon Road / Special Permit for Detached Apartment on a Single-
49 Family Residential Lot (Section 208) / Map 47 / Lot 09 / DOR: 01/11/2021 /

50
51 LUA Conroy noted that notices to abutters were not mailed return receipt requested per the
52 Regulation requirements.

53
54 Aldo Andreoli agreed to grant an extension of 35 days in writing in order to send out the proper
55 notices. It was agreed that this matter would be continued to the April 19, 2021 public hearing.

56
57 6. #2021-0121 / Gilman/Gelfand (Lang) / 292 Twin Lakes Road / Special Permit for Detached
58 Apartment on a Single-Family Residential Lot (Section 208) / Map 63 / Lot 09 / DOR:02/08/2021

59
60 Secretary Whalen read the legal notice of this hearing aloud.

61
62 Paul Lang came forward and explained that they would like to convert the garage to living space. LUA
63 Conroy explained that the garage structure was built in 1999; therefore, predates the Regulations and
64 can be converted. The members requested that an as-built be submitted as a condition of approval in
65 order to document all of the structures on the site.

66
67 Chairman Klemens looked for questions from the public. There were none.

68
69 *Motion:* To close public hearing for application #2021-0121 / Gilman/Gelfand (Lang) / 292 Twin Lakes
70 Road / Special Permit for Detached Apartment on a Single-Family Residential Lot (Section 208) / Map
71 63 / Lot 09.

72 Made by Cockerline, seconded by Riva.
73 Vote: 5-0-0 in favor.

74
75 *Motion:* To approve application #2021-0121 / Gilman/Gelfand (Lang) / 292 Twin Lakes Road / Special
76 Permit for Detached Apartment on a Single-Family Residential Lot (Section 208) / Map 63 / Lot 09 with
77 the condition that an as-built be submitted and a Mylar filed with the Clerk.

78 Made by Cockerline, seconded by Riva.
79 Vote: 5-0-0 in favor.

80
81 **Old Business**

SALISBURY PLANNING AND ZONING COMMISSION
REGULAR MEETING MINUTES
MARCH 15, 2021 6:30 PM

Remote Meeting by Live Internet Video Stream and Telephone

- 83 7. #2021-0125 / Twin Lakes Beach Club Inc (Rathbun/Morrison) / 268 Twin Lakes Road / Site Plan
84 for Development Activities in the LPOD (Section 404) and Restoration of Non- Conforming
85 Tennis Courts (Section 504) / Map 63 / Lot 2 / DOR: 02/08/2021 /
86

87 Blake Morrison and Bob Rathaus came forward and reported that they have received IWC approval
88 since the last meeting where this proposal was presented. The road runoff issue was discussed and it
89 was explained that the Town never followed through with the agreed remedy. LUA Conroy agreed to
90 draft a letter to the Town regarding this matter.

91

92 *Motion:* To approve application #2021-0125 / Twin Lakes Beach Club Inc (Rathbun/Morrison) / 268
93 Twin Lakes Road / Site Plan for Development Activities in the LPOD (Section 404) and Restoration of
94 Non-Conforming Tennis Courts (Sections 404 and 504) / Map 63 / Lot 2.

95 Made by Cockerline, seconded by Riva.

96 Vote: 5-0-0 in favor.

97

- 98 8. #2021-0122 / Indian Mountain School (Lenard Engineering/Parsons) / 211 Indian Mountain
99 Road / Site Plan Approval to Construct a Field House and Artificial Turf Athletic Field / Map 1 /
100 Lot 20 / DOR: 02/08/2021 /
101

101

102 Todd Parsons and Cheryl Sleboda came forward. Mr. Parsons explained that they have received IWC
103 approval since the last meeting where this application was presented. The IWC required a meadow
104 mix as a condition of approval.

105

106 Chairman Klemens recused himself and Alternate Schiffer was seated for this vote.

107

108 *Motion:* To approve application #2021-0122 / Indian Mountain School (Lenard Engineering/Parsons) /
109 211 Indian Mountain Road / Site Plan Approval to Construct a Field House and Artificial Turf Athletic
110 Field / Map 1 / Lot 20.

111 Made by Riva, seconded by Cockerline.

112 Vote: 5-0-0 in favor.

113

114 Chairman Klemens was reseated as a voting member.

115

116 **New Business**

117

- 118 9. #2021-0126 / 178 South Shore LLC (Lenard Engineering/Parsons) / 178 South Shore Road / Site
119 Plan Approval to Demolish and Build New a Single-Family Dwelling and Associated Site
120 Improvements in the Lake Protection Overlay District (Section 404) / Map 60 / Lot 22 / DOR:
121 03/1/2021 /
122

SALISBURY PLANNING AND ZONING COMMISSION
REGULAR MEETING MINUTES
MARCH 15, 2021 6:30 PM

Remote Meeting by Live Internet Video Stream and Telephone

123 Todd Parsons came forward and reviewed the existing conditions noting the existing house and septic
124 on the site. The total acreage is .98 and is generally sloping to the lake 10-15 percent. He reviewed
125 the demolition plan. The proposed impervious surface increased from 1850 sq ft to 2595 sq ft with this
126 plan, which is still under the 10 percent. Erosion control and stock piles were noted on the plan. The
127 proposal includes an aggressive planting plan. Mr. Parsons agreed to add a 3-inch stone layer to the
128 driveway to assure that the driveway remains pervious.

129
130 *Motion:* To approve application #2021-0126 / 178 South Shore LLC (Lenard Engineering/Parsons) / 178
131 South Shore Road / Site Plan Approval to Demolish and Build New a Single-Family Dwelling and
132 Associated Site Improvements in the Lake Protection Overlay District (Section 404) / Map 60 / Lot 22
133 with the condition that a pervious driveway system be a part of the plan similar to 140 S. Shore Rd.
134 Made by Cockerline, seconded by Riva.
135 Vote: 5-0-0 in favor.

136
137 Member Shyer stepped down at 8:02 pm and Alternate Allee was seated as a voting member.

138
139 10. #2021-0127 / Cohan (Capecelatro) / 331 Housatonic River Road / Site Plan Approval for the
140 Reconstruction of a Nonconforming Garage (Section 504) / Map 08 / Lot 52 /

141
142 Attorney Capecelatro came forward and reviewed the proposal. He noted that no TAHD approval is
143 required to rebuild the garage. The garage was taken down in 2018. The garage will be rebuilt less
144 nonconforming bringing it closer to the required 10 feet separation from other structures on the
145 property. The owner executed a statement regarding the garage at the time of closing in October 2020
146 noting an intention to rebuild.

147
148 Chairman Klemens noted that the survey in no way represents what exists today. He reported on his
149 site visit and explained that a lot has happened since 2018. A stone wall has been built potentially
150 within the Town's right-of-way. There is also some activity near a wetland. The group viewed photos
151 of the site.

152
153 Mr. Cohan came forward and stated that the wall is within the bounds of their property and does not
154 encroach on the septic or well.

155
156 Chairman Klemens explained that a survey of the current site conditions is necessary to move forward.
157 The Housatonic River Commission should be consulted. Additionally, this Commission should receive a
158 legal opinion regarding intent pertaining to the garage.

159
160 Attorney Capecelatro confirmed for LUA Conroy that the lot area, lot coverage and setbacks of the
161 proposed garage are nonconforming. The proposed height is 15 feet at the peak.

162

SALISBURY PLANNING AND ZONING COMMISSION
REGULAR MEETING MINUTES
MARCH 15, 2021 6:30 PM

Remote Meeting by Live Internet Video Stream and Telephone

163 It was summarized that an escrow would be collected, a written legal opinion will be requested and an
164 updated survey will be submitted. This application will be continued to April 19, 2021.

165

166 11. #2021-0128 / Peruzzi (Churchill) / 136 Interlaken Road / Special Permit Approval for Detached
167 Apartment on Single Family Residential Lot (Section 208) / Map 39 / Lot 21 /

168

169 It was determined that no one was present to represent this application.

170

171 LUA Conroy reviewed the application for a detached apartment. It was noted that approval is pending
172 from TAHD.

173

174 *Motion:* To schedule public hearing for April 19, 2021 at 6:45 pm via Zoom application #2021-0128 /
175 Peruzzi (Churchill) / 136 Interlaken Road / Special Permit Approval for Detached Apartment on Single
176 Family Residential Lot (Section 208) / Map 39 / Lot 21.

177 Made by Cockerline, seconded by Riva.

178 Vote: 5-0-0 in favor.

179

180 **Other Business**

181

182 12. Regulation Clarification Request (Section 204) / Lots in More than One Zone / Palmer (Allen)

183

184 Stanley Allen, Architect for Palmer, came forward and identified the Palmer lot on a map noting that it
185 is divided between zones. 2/3rds of the lot is in R20 and 1/3rd is in RR1. The owner would like to build
186 an addition and the lot coverage is significant for this project. The lot is .62 acres.

187

188 The members agreed that Section 204 allows for the extension of the boundary by 100 feet. Therefore,
189 this lot would be considered as in the R20 zone.

190

191 13. #2019-0093 / Salisbury Bank and Trust Company / 33 Bissell Construction Update and Potential
192 Site Plan Modification / Map 45 / Lot 37-1 /

193

194 Dee Harnish and Chris Hanaburgh came forward. Dee Harnish discussed the plan to manage the
195 Knotweed on the site. The changed patio location was noted and it was reported that it is constructed
196 with pavers. The members found this to be a minor site plan revision that Chairman Klemens and LUA
197 Conroy can handle.

198

199 LUA Conroy advised that bond can be supplied for the unfinished exterior portions of the site
200 improvements since it is winter and a CO cannot be issued without Zoning Compliance.

201

SALISBURY PLANNING AND ZONING COMMISSION
REGULAR MEETING MINUTES
MARCH 15, 2021 6:30 PM

Remote Meeting by Live Internet Video Stream and Telephone

202 The lighting was discussed. Dee Harnish reported that they have set a light timer to be sensitive to the
203 neighbors. Ms. Harnish reported that they changed some of the shrub screening varieties with regard
204 to height and speed of growth in order to be responsive the neighbor's concerns.
205

206 14. 8-24 Referral / Town of Salisbury / Construct Sidewalk and Pedestrian Bridge over Pettee Brook /
207
208 LUA Conroy reported that the Town received a connectivity grant to construct sidewalk. An 8-24
209 referral is required for this municipal project. The IWWC had no concerns with this proposal. The
210 group reviewed the sidewalk plan and found no issues.
211

212 *Motion:* To respond with a positive referral regarding 8-24 Referral / Town of Salisbury / Construct
213 Sidewalk and Pedestrian Bridge over Pettee Brook
214 Made by Cockerline, seconded by Riva.
215 Vote: 5-0-0 in favor.
216

217 15. Public Comment: Public Comment is restricted to items that are neither on the agenda nor the
218 subject of any pending Planning & Zoning application or action and are limited to three minutes
219 per person
220

221 N/A
222

223 **Adjournment**
224

225 *Motion:* To adjourn the meeting at 9:27 p.m.
226 Made by Riva, seconded by Cockerline.
227 Vote: 5-0-0 in favor.
228

229
230 Respectfully submitted,
231

232 Tai Kern,
233 Recording Secretary
234