

SALISBURY ZONING BOARD OF APPEALS

REGULAR MEETING

JUNE 8, 2021 5:00 PM (VIA ZOOM)

1. Call to Order/Approval of Agenda

The meeting was called to order at 5:03pm. Present: Jeff Lloyd, Roxanne Belter, Steve Victory, Michael Alderman, David Maffucci (Alternate) and M.E. Freeman (Alternate). Absent: Stacie Weiner. Attending: Charles Andres, Attorney, for the Town of Salisbury.

**Approval of Agenda. So Moved** by S. Victory, seconded by M. Alderman and unanimously **Approved.**

2. Seating of Members & Alternates: All regular members were seated and M.E. Freeman was appointed voting alternate for S. Weiner.

3. **Minutes of May 11, 2021. A Motion to Approve the Minutes of May 11, 2021** was made by S. Victory, seconded by M. Alderman and unanimously **Approved.**

4. **Public Hearing** -- #2021-0132 / Strelchun (Capecelatro) / Puddlers Lane / Frontage Variance / Map 12 / Lot 5

The Public Hearing was opened at 5:08 pm.

All documents relating to this application can be found at: [www.salisburyct.us/zoning-board-of-appeals-meeting-documents/](http://www.salisburyct.us/zoning-board-of-appeals-meeting-documents/).

Attorney Charles Andres read the Legal Notice of the Public Hearing.

Attorney Mark Capecelatro, representing the property owner, gave a detailed explanation about why his client was applying for a frontage variance. A recent A-2 survey found that the Strelchun property has only 22.2' of frontage on Puddlers Lane, about 2.8' less than the 25' access width required by P&Z Regulation Section 306.1. The Town cannot grant a curb cut and the abutting neighbors are not interested in granting an easement. The property is in a RR-1 Residential zone which permits a residence, but has insufficient access to Puddlers Lane. The client has a signed contract for the sale of the property, but cannot go forward unless the variance is granted; the value of the property would be diminished, if there is no legal access. Attorney Capecelatro requested that his client be granted relief and not lose the value of the property.

J. Lloyd asked when the property was sub-divided; the answer was 1966, before zoning regulations. M. Alderman mentioned that P&Z cannot vary the application of zoning regulations now. S. Victory informed the ZBA that he had done a site visit. D. Maffucci asked about the location of a utility pole – Attorney Capecelatro indicated that the pole and anchor would have to be moved on the property.

J. Lloyd asked for comments from the abutting property owners who in attendance.

Peter Halle, 8 Puddlers Lane, and Ulrich LaFosse, 13 Puddlers Lane, had submitted a letter dated May 12, 2021, objecting to the granting of the variance. Mr. Halle read the letter into the record. (Available on the website, as noted.) Several objections were described. Mr. Halle indicated that he had made an offer to buy the property, which he is still willing to do. Ulrich LaFosse referred to the May 12, 2021 letter and made several additional objections to granting the variance. M. Alderman asked about the potential harm; Mr. LaFosse expressed a number of possibilities.

Attorney Charles Andres read a letter from another neighbor, Michael Noble, 9 Puddlers Lane, objecting to the granting of the variance. (Available on website, as noted.)

Attorney Capecelatro offered a rebuttal to the objections; he suggested that a separate application to the PZC would address some of the concerns that were raised.

The Commission members continued to ask questions about the technical issues of the land itself, the value of the property, the grading of the land and current access, if any.

At 6:06 pm, Chairman Jeff Lloyd **Moved to Close the Public Hearing.**

Commission discussion:

The Commission members each expressed their opinions on granting the variance.

R. Belter: granting the variance was reasonable; other issues were the problem.

M.E. Freeman: valid points made by Attorney Capecelatro; all other regulations would have to be met relating to the driveway.

S. Victory: understands the hardship has developed over time and has no difficulty in granting relief.

J. Lloyd: the 2.8' in question was like a zoning error; the variance should be granted.

M. Alderman: he is sympathetic to the neighbors, but they don't have a case; he is OK with the variance.

**Motion to Approve Application #2021-0132 by John A. Strelchun for a frontage variance of Section 306.1 of the Salisbury Zoning Regulations due to the hardship created for Mr. Strelchun.**

**Motion** made by R. Belter, seconded by S. Victory and unanimously **Approved.**

Attorney Charles Andres offered clarification of the basis for the finding that hardship was shown: (1) absent the variance, there would be a practical confiscation of the property; and (2) by reason of estoppel principles.

5. #2021-0135 / Marketplace of Salisbury (LaBonne's) / 22 Academy Street / Setback and Coverage Variance / Map 54 / Lot 25  
The completeness of the application was undetermined. **Application was tabled** to July 13, 2021.
6. **Adjournment. So Moved** by M.E. Freeman, seconded by M. Alderman and unanimously **Approved.**