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RoR 66.d

14 Old Barn Road
Kent, CT 06757
46 West Street
Litchfield, CT 06759
51 Main Street
New Milford, CT 06776
38C Grove Street, 1st Floor
Ridgefield, CT 06877
6 Bee Brook Road
Washington Depot, CT 06794

April 8, 2021

VIA EMAIL: aconroy@salisburyct.us

Planning and Zoning Commission
Town of Salisbury
Town Hall
P.O. Box 548
27 Main Street
Salisbury, CT 06068

Re: Special Permit #2021-0123 for a 12-Unit Multi-family Housing in PKSQ and APA – Salisbury Housing Committee – 11 Holley Street Use of Private Right of Way to West of Proposed Apartment Building

Dear Commissioners:

As shown on the applicant's site plan, there is a private right of way to the west of the proposed apartment building and bordering the RJS Holding ("RJS") property at 20 Millerton Road. The applicant proposes to limit the use of that right of way for ingress-only access from Millerton Road. Intervenor's object to any action by the Commission to limit such passway rights as they interfere with the deeded rights of RJS.

Attached hereto is a copy of the 2019 deed conveying 20 Millerton Road to RJS. The Schedule A description is explicit that the property was conveyed together "with the right of way between the premises herein described and the so-called Holley Block and bonded generally on the North by Main Street; on the East by land of the Town of Salisbury, formerly of one Miller; on the South by lands now or formerly of Federick H. Leubuscher and on the West by land now or formerly of Ann Hoskins." (Warranty Deed to RJS Holdings, LLC, Vol. 256, Page 1063).



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Given RJS's record ownership of this right of way, any action by the Commission to restrict access over it or to impose fire lane restrictions would constitute a clear obstruction of and interference with RJS's deeded rights. RJS intends to avail itself of all remedies available to it in law and equity to those rights, including but not limited to potential court actions against the Applicant, the Commission and the Town.

Very truly yours,

CRAMER & ANDERSON, LLP

By 
Daniel E. Casagrande, Esq., Partner

DEC/smc
Enclosure



Return To:
Attorney Mark J. Capecelatro
P.O. Box 1045
Canaan, CT 06018

State Tax \$1875.00
Local Tax \$624.00 Convey Fee \$1.00

WARRANTY DEED - STATUTORY FORM

PARALIMNI EQUITIES, LLC, a Delaware limited liability company with a principal place of business at 20 Millerton Road, Lakeville, Connecticut 06039, acting herein by Harry A. Fotiadis, its Manager, for consideration paid of Two Hundred Fifty Thousand and 00/100 (\$250,000.00) Dollars, grants to **RJS HOLDING, LLC**, a Connecticut limited liability company with a principal place of business at 20 Falls Mountain Road, Falls Village, Connecticut, 06031 with WARRANTY COVENANTS,


All that real property, situated in the Village of Lakeville, Town of Salisbury, County of Litchfield, and State of Connecticut, known as 20 Millerton Road, more particularly bounded and described as follows:

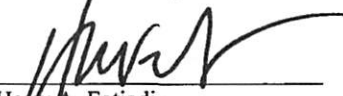
See Schedule A attached hereto.

Signed this 24 th day of June, 2019.

Witnessed by:

PARALIMNI EQUITIES, LLC



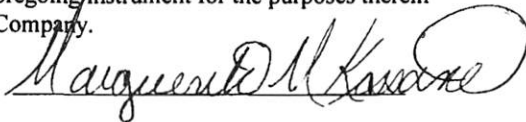
By: 

Harry A. Fotiadis
Its Manager
Duly Authorized



STATE OF NEW YORK)
) ss New York June 24, 2019
COUNTY OF NEW YORK)

Personally appeared Harry A. Fotiadis, who acknowledged himself to be the Manager of PARALIMNI EQUITIES, LLC, a Delaware limited liability company, and that he as such Manager, being authorized to do so, executed the foregoing instrument for the purposes therein contained as his free act and deed on behalf of the Company.



Notary Public
My Commission Expires: January 28, 2023

MARGUERITE M KISSANE
Notary Public, State of New York
Reg. No. 01KI6386785
Qualified in New York County
Commission Expires January 28, 2023

Property Description

All that certain piece or parcel of land situated on the southerly side of Main Street in the Village of Lakeville, in the Town of Salisbury, County of Litchfield and State of Connecticut, with the buildings and improvements thereon standing and all appurtenances thereto belonging, including two certain rights of way, one between The Lakeville Journal office and the premises herein described and the second right of way between the premises herein described and the so-called Holly Block and bounded generally on the North by Main Street; on the East by land of the Town of Salisbury, formerly of one Miller; on the South by lands now or formerly of Frederick H. Leubuscher and on the West by land now or formerly of Ann Hoskins.

Said premises is subject to the following:

1. Building lines, if established, and any and all provisions of any statute, ordinance, municipal regulation, zoning, planning and wetlands laws and regulation or public or private law, local, state or federal;
2. Real property taxes assessed by the Town of Salisbury on the Grand List of 10/1/18, next due and payable 07/01/19 and thereafter, which the Grantee assumes and agrees to pay;
3. Certain rights of passway reserved in the Deed recorded in Volume 43 at Page 140 of the Salisbury Land Records.